



KING JAMES I.



IVRISDICTION

{ REGALL,
EPISCOPALL,
PAPALL. }

WHEREIN IS DECLARED
HOW THE POPE HATH INTRVDED

Vpon the Iurisdiction of Temporall Princes, and
of the Church. The intrusion is discovered, and the
peculiar and distinct Iurisdiction to
each properly belonging,
recovered.

Written by GEORGE CARLETON.

IOHN 18. 36.

*I My kingdome is not of this world: if my kingdome were of this world, my
servants would surely fight.*



L O N D I N I

Impensis Iohannis Norton. 1610.



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TO THE MOST RE-
 VEREND FATHER IN GOD,
 MY VERY GOOD LORD, THE
 Lord Archbishop of CANTERBURY, his
Grace, Metropolitan and Primate of al England,
 and one of his Maiesties most Honou-
 rable Priuie Counsell,

(* *)



Ob the man of God,
 (most Reuerend Fa-
 ther in God) entring
 into the meditation of
 the care, labor, danger
 and deliuerance that
 we find in this present
 life, compareth it for
 danger to a warfare;

for care and trauell to the dayes of an hireling:
 which estate as euery member of the Church fin-
 deth in this life, so the same is much more apparant
 in the whole Church, which for the time of her war-
 fare here, as she is, so is called, militant. As this as-

Iob. 7. 1.

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sured and expected warfare from the beginning hath kept the Church in continuall exercise and watch against many and strong aduersaries: so toward the end of this warfare, that is toward the end of this world, the aduersaries growing more skilfull, more bold and desperate then before, the warfare must of necessitie bee made more dangerous. The greatnesse of which daunger may draw the gouernours of the Church to a more sensible apprehension of their duties, who according to the daunger of the Church, cannot but vnderstand that their care, industry, vigilancy, and courage must be increased for the preservation of the peace, and good of the Church of God which they gouern: so that the malice, industrie and desperate attempts of the aduersaries, are to them so many provocations stirring the vp more carefully to watch.

Which care hath singularly appeared in your Grace, who as a Generall in this warfare haue giuen no rest to your selfe, but by preuenting the purposes of the enemies by espying their secrets, by answering their present incounters, by encouraging inferiours, haue declared your carefull seruice in this warfare setting the battel in order and encouraging euery souldier in his proper standing, and place: vnder this conduct haue I vndertaken this peece of seruice for the opening the truth of Iurisdiction

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tion of late so much oppugned, defaced, and confounded by the aduersaries. Wherein as I can not promise any worth of my seruice, so I shall bee able with a good conscience to challenge the reward of faithfull and sincere dealing.

The question I confesse, requireth a man as skilful in distinguishing this confused masse of Iurisdiction, which they now haue cast vpon the Pope, as Archimedes was in examining the gouldsmithes fraude, who hauing receiued a certaine Weight of gould of Hiero King of Sicily to make a goulden crowne which he would offer to his Gods; stoale away much of the gold, and put siluer in the place thereof, rendring to Hiero his true weight againe. Vitruuius lib. 9. cap. 3. To examine this fraud without melting of the crowne, was a worke to exercise the great wit of Archimedes himselfe: such is this masse of Iurisdiction, wherein fraudulent workmen (as they who confound gold, siluer, coper, and brasse together) haue taken the Iurisdiction of the Church, and of kings; and mingling both together, adding much of their owne drosse thereto, haue made it as a deceitfull crowne to offer to their great God, to set it vpon his head. To distinguish this confused masse, & to giue to each his own right, was a thing wherein I found the greater difficulty, because none of late yeeres hath troden this path before me, whose foot-

3 steppes

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steppes might haue directed me. For the question of the Supremacy is handled learnedly & worthily by others, who though they haue giuen some light to this question of Iurisdiction, yet they doe it but in some passages, not handling the question fully and purposely, but by occasion sometimes falling into some parts thereof. Wherefore I thought it would be a necessary seruice to the Church, if this thing might be truely brought to knowledge, and the fraudulent confusion of this crowne of Iurisdiction standing vpon the proud head of the Pope examined & distinguished, the siluer seuered from the gold, and the drosse from both.

As Iurisdiction lay thus confounded by those false workemen of Rome, so at the first triall of it, when it was examined by vnskilfull and deceitfull triars, who fet the rules of their triall not from the truth but from ambition and adulation, they taking vpon them to be triars of truth, made things as bad or farre worse by their handling then they were before: and so wrapped this question in newe difficulties. For when Henrie the eight tooke this title of supreme head of the Church of England, though the sounder and more iudicious part of the Church then vnderstood the words of that title so, as no offence might iustly rise by it: yet they that were suddenly brought from their olde opinion of Poperie,

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perie, not to the loue of the truth, but to the obseruance of the Kings religion; retained a grosse and impure sense of those words, as most cōmonly by such is retained to this day. For when Stephen Gardiner Bishop of Winchester was at Ratisbon in Germanie vpon the Kings affaires, he there taking occasion to declare the meaning of that title, supreme head of the Church giuen to king Henrie the eight taught that the King had such a power, that hee might appoint and prescribe new ordinances of the Church, euen matters concerning faith and doctrine, and abolish old: as namely that the King might forbid the marriage of Priests, and might take away the use of the cup in the Sacrament of the Lords supper, and in such things might appoint what he list. This manner of declaring the Kings Jurisdiction, did so much offend the reformed Churches, that Caluin & the writers of the Centuries doe much complaine thereof, and worthily, For the Bishop of Winchester sought not like a curious triar of mettals to seuer the gold from the siluer, and drosse from both: but as hee found this massie crown of Iurisdiction vpon the Popes head, so he tooke it with gold, siluer, coper, drosse and all: and set it vpon the Kings head: So that the thing which procured so much offence, was not the title, but the Bishops false and erronious declaration of that title.

Caluin in Amos 7.

Caluin in Amos 7. 13.
Præfat. in Centur. 7.

If

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If any obie^t against me: what then? will you take vpon you to handle this thing, better then such a learned and prudent Prelate? I answer, the Bishop wanted neither wit nor learning for the opening of this point, but onely a loue to the truth: which loue when I shall bring to this question, I finde my selfe therby so supported, that neither the perfections of other men, nor mine owne imperfections can daunt me so much, as to cause me to giue ouer the defence of the truth. True it is, that a more skilfull Archimedes might haue beene set on this worke, to distinguish the things that haue lien so long confounded in this question; or the common helpe of many might haue beene combine^d, wherein our aduersaries are now growen wiser in their generation then the children of light. And though it seeme to be true, that an euill cause hath more need of helpes: yet there is no reason that they who haue the handling of a good cause, should in confidence of the cause neglect any helpe, that possibly they may attain vnto. Albeit we must confesse that the arme of God hath wonderfully declared it selfe by weak meanes against great.

For if a man should looke vpon the meanes on both sides with an eye of flesh, he would thinke as Vzziah did, When the Arke was shaken, that the Church could not possibly stand vp by so weake meanes.

meanes: For on the one side the Pope sheweth himselfe with the riches of Saint Peters great and potent patrimony, with the helpe of so many great Princes, with the counsell and policie of his Cardinals, with the armies of his Canonists, Priests secular and regular, but especially in these later yeares of his Iesuites, who glorying so much of their learning, and filling the world with their vaunts, being supported by wealth and policie, abounding with all worldly meanes that their hearts can desire, encouraged by preferments, march like armed troupes entring a battell: On the other side a company of poore men, Luther, Bucer, Zuinglius, Oicolampadius, Martyr, Caluin and such like, vtterly contemned of the Iesuites, bringing no other furniture with them, sauing a good conscience, learning and a loue to the trueth, seeme to make a poore shew without force, without glory. If Gods truth were to be vpholden by humane meanes, or if the seruants of the truth were drawne to speake in the Church, as Lawyers are for their fees at the barre: then what hope could wee haue to stand against the Iesuites the Popes Lawyers, who by inuincible clamours, facing and obstinacy, make not truth, but victory the end they aime at.

But as there is great oddes in the meanes on the one side, so there appeareth no lesse difference in the

successē on the other side: For by these weake and contemned means the world is subdued vnto Christ, deliuered from the bondage of superstition, wisdomē is iustified of her owne children, and the truth triumpheth in the sincerity and godlinesse of weake meanes, against the malice, policy and strength of her prepotent aduersaries.

Which successē compared with the meanes on both sides, doth manifest the arme of God to be in the cause, that groweth so much against the expectation of the world and meanes. For what other power could make so weake meanes preuaile so much, against so great policy and strength, but the same power (though not in the same measure) which by a company of poore Fishermen (despised in the world) subdued the whole world vnto the obedience of Christ? As this successē and blessing by the presence of God, hath beene hitherto apparant in this cause: so the Iesuites take order that the same successē and blessing may continually hereafter follow our cause, vntill it hath rooted out all the aduersaries that make opposition against it: for what greater strength or aduantage can bee giuen to our cause, then the wickednesse of our aduersaries doth giue? How often doth Moses declare to the Church of Israell, that the fauour of God was so much declared towards them, not for their owne righteousness, but

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but for the wickednes of their aduersaries? So that if we should stand still and looke on, and holde our selues in patience, our aduersaries will worke the meanes, by their owne strange cruelties in their Inquisitions, by their prophane and vncleane conuersation, by their grosse Idolatry, by their horrible treasons and conspiracies against the liues of Princes, by their diuelish deuises for subuersion of whole States at one blow, by their hypocrisie, falshood and equiuocations, and by that most admirable and exquisit villany that euer was inuented, in deprauing, corrupting, altering and chaunging all auncient writers: by these, and the like practises of wickednes, they themselues will worke the meanes of our succeſſe, and of their owne destruction. And if the Prince of this world, and his first begotten had not blinded their eyes, and their hearts, they could not chooſe but ſee, and acknowledge the experience of Gods fauour and protection mightily declared from heauen vpon our cauſe our Prince and State; and of late much increaſed and made apparant to all the world by their owne wicked practises.

Then the difference being ſo great in the meanes and in the ſucceſſe, ſo great alſo betweene our conuerſation and theirs, muſt needes declare a great difference betweene our hopes and theirs, our Religion and theirs: they haue raiſed the Princes and

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armies of the world against vs, when they pretended peace: wee neuer vsed deceit or wrong against them: they haue by barbarous deuises attempted to procure our vtter subuersion, we desire hartily their conuersion to God: they curse, reuile, and blaspheme vs, wee pray for them: this difference may shew, where truth and Religion is; and might if they entered into the serious consideration of things, drawe them to cease from all wicked attempts, to follow and embrace one trueth, and to worshippe one God with vs.

But if there be no remedy, but that Princes and States must be oppugned by a perpetuall league of Conspiracy from Rome: if nothing can satisfie them but the blood of Kings, then what remaineth but that the Princes of Christendome prepare themselves to that great battel, which S. Iohn saith shal be fought in the plain of the earth against Gog and Magog. When God shall raise the spirits of princes to that worke, he will open the way and giue the succeſſe: for fire shall come downe from God, out of heauen, and deuoure the enemies. Vnto which seruice there is nothing so effectuell to animate the princes of Christendome, as is this new and strange claime of the popes Iurisdiction ouer princes: which thing because it is so much pursued by the Popes and their flatterers, and onely by them, as the great
marke

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marke whereunto they addresse all their attempts; and the very summe of all their Religion: therefore I haue endeuoured to open the whole, to distinguish the parts, and to set this question in such a light as I could, if not to satisfie all, yet at least to giue an occasion to the iudicious. I was desirous to leaue no part vntouched, that all might come to a triall, and am ready also withall, to bring my selfe to the triall, willing to learne and to amend any error, after that it shall be manifested by the truth to bee an error: for which cause, I submit all to the iudicious and godly censure of the Church.

My care was also after my seruice to God, to performe herein a true seruice to his Maiesty, by opening the Jurisdiction of Kings: which I haue done, not as they vse to doe who serue the Pope, respecting no other rules of that seruice, then his pleasure and their adulation, but I haue disputed the Kings right with a good conscience, from the rules of Gods word, knowing that the noble disposition of his Maiesty will admit of no seruice, whereby God or the truth is preiudiced. All which as I commend to your Graces fauour and protection, to whom God hath committed the care of his Church here, so with my hearty prayers, I commend your Grace to the fauour and protection of God; who enrich your heart

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*With his plentifull graces, that as for your proper
comfort and direction, you may enjoy them, so you
may vse them to the glory of God, and the
comfort of his Church through
Iesus Christ.*

Your Graces to be commanded in all duety,

GEORGE CARLETON.

An Admonition to the Reader.

IT may bee thought strange, that so many are found to write in this contradicting age, one contrary to another: the trueth cannot bee on both sides, and therefore there is a great fault on the one side: the Reader that is desirous to trie where the fault is, may be intreated to marke with aduised obseruation some things, wherein our aduersaries wanting either knowledge or sinceritie, haue broken all the rules of right writing, to deceiue such as cannot iudge (of which sort the greatest part consisteth) I doe therefore intreat the Readers, especially such as reade my Booke with a purpose to answere it; to consider these things, wherein we challeng our aduersaries for euil dealing, in this particular Controuersie: First, In setting downe our opinion, they make it not that which we hold, but another thing; and then make large discourses in vaine: they should vnderstand our cause as we deliuer it: for we denise not their opinion, but take it out of their owne bookes, especially from the Popes Canons: Secondly, when they would refute vs, they bring their owne Canon law, which was denised in preiudice of the freedome of Princes, and is our aduersarie, and therefore cannot bee our Iudge: Thirdly, when they produce the testimonies of ancient fathers, the abuse, for which we challenge them, is, that they will not vnderstand the question: for the fathers write for the spirituall Iurisdiction of the Church aboue Princes; which thing we neuer denied. But against the coactiue Iurisdiction of Princes in matters Ecclesiasticall: which thing we hold the Fathers neuer wrote, but they are for it. If these things were faithfully obserued (as they are all peruerbed in
this

this cause by one that termeth himself the Catholick Diuine) and if the truth were sought with conscience, and not preiudice maintained with resolution, men would neuer presume so much vpon the simplicitie of the Readers, nor in the confidence of their wit and learning, would they suffer themselves to be set to the maintenance of any cause whatsoeuer. Let me farther intreate him that would aunswere me, to enter into this short and serious meditation with himselfe, thus: Either my purpose is to serue God for the truth, and then I may looke for a blessing vpon my labours; or else to serue man though against the truth, and then I may looke for a curse vpon my selfe and my labours: let this Meditation rule thy pen and heart: I aske no more. Last of all let me intreate thee of curtesie, to amend the faults escaped in printing, with thy pen, thus.

P.2.Lin.10.Or some others,superfluous.p.13.l.2.as,superfluous.p.14.l.29 for more read meer.p.22.l.28.the superfluous.p.30.l.15 for teached r touched.p.52.marg.r.חנניו p.73.l.28 r.against the infringers of the priuiledges of the Sea Apostolick.p.85.l.19.therto superfluous.p.98.l.27.full superfluous.p.105.l.8.r.M.Luther.p.107.l.2.r.M.Luther.p.108.l.16.r.M.Bucer.p.108.l.20.r.M.Antonius Flam.p.109.l.10.r.M.Chemnicus.p.195.l.19.Deposed by Pope Stephen,r.deposed or his deposition allowed by the consent of Pope Stephen.p.198.l.4.for the Bishops,r.some Bishops.p.211.l.11.for opportunelyr.opportunity.p.228.l.12 some report the poyson to haue beene giuen in the bread,and some in the cup.p.229.l.31.for great r.greatest.p.234.l.15.for Frederic r.Lodouic.p.234.l.22.for Rhenes r.Rense.p.234.l.27.for Rhenes r.Rense.p.236.l.19.generall superfluous.p.250.l.28.r.adharentium,& adharere volentium.p.262.l.21.for ver r.viri.p.272.l.18.for chusing r.choosen.p.272.l.22,for to.r.in p.279.l.30.no superfluous.p.294.l.16.for cultus r.cultu.



OF THE IURISDICATION OF PRINCES, IN
Causes and ouer Persons
Ecclesiasticall.

C H A P. I.

The state of the Question.



He lawfull authoritie and Iurisdiction of Kings in matters Ecclesiasticall, is now and hath beene for some ages heeretofore much impugned by such, who by vsurpation hauing inroached vpon the right of Kings, seeke by all subtil and colourable deuises to maintaine that by skill and some shew of learning, which they haue gotten by fraud. All this mischiefe proceedeth from the Bishop of Rome, who vsurping powre, and taking to himselfe that honour whereunto God hath not called him, hath brought all authoritie Ecclesiasticall and Ciuill into great confusion; by vsurping the right both of the Church and of States. Now our de-

fire being to open the truth, and to declare the lawfull right of Princes and power of the Church : it seemeth needfull first to set downe what power is giuen to the Pope by them that flatter him : so shall the right of the King and of the Church better appeare.

De Rom. Pontific. lib. 4. cap. 24

2 They yeeld to the Pope a fulnesse of power as they tearme it, from whence all Spirituall Iurisdiction must proceed to others ; some adde also Temporall : of Spirituall Iurisdiction *Bellarmino* saith [all Bishops receiue Iurisdiction from the Pope] The like some of them or some others teach also of Temporall power : the difference which they obserue is, that Spirituall power is deriued from the Pope to all Bishops : but Temporall power is giuen to execute some seruice. *Augustinus Triumphus* of Ancona, who wrote about three hundred yeeres agoe, at the commaundement of *Iohn 22.* Pope, set forth of late by the authoritie and priuledge of *Gregorie 13.* did long before the Iesuits dispute this question of the Popes Soueraigne authoritie ouer Princes: since which time the Friars haue closely followed his footsteps. His assertion is, *Omnis potestas imperatorum & regum est subdelegata respectu potestatis Papæ.* And againe in the same place, *Omnis potestas secularis est restringenda, amplianda, executioni mandanda ad imperium Papæ.* These and the like positions are now resolutely and stiffely maintained by the Iesuits and others of that faction.

Lib. de potest. Eccles. q. 1. Art. 1.

Clement. lib. 2. de senten. & re. iudic. Can. 2.

3. This agreeth well with the Canon lawes, which are the fundamentall lawes of the court of Rome. For thus they say: *Nos tamen superioritate quam ad imperium non est dubium nos habere &c.* That is, [we aswell by that soueraignetic and right which without all doubt we haue to the Empire, as also by that power whereby we succeed the Emperour in the vacancie of the Empire, and no lesse also by the fulnesse of that power which Christ the King of kings, and Lord of lords hath in the person of Saint *Peter* graunted to vs though vnworthy : declare all such sentences and processe (made by *Henry 7.*) void and of none effect] Thus saith *Clement 5.* Pope against *Henrie 7.* Emperour. To the same purpose saith *Boniface 8.* Pope, in a Constitution of his. *Oportet gladium esse sub gladio, &c.* That is [one sword

Extrav. Com. lib. 1. de maior. & obed. c. vnam sanctam.

sword must be vnder another sword, and the Temporall authoritie must be subiected to the Spirituall authoritie : for when the Apostle saith: there is no power but of God, and the powers that are, are ordained of God. They could not be ordained, vnlesse one sword were vnder another : and a little after. Thus of the Church and of the power Ecclesiasticall is verified the prophetic of *Ieremie*, behold I haue set thee ouer nations, and kingdomes to plucke vp and to root out, and to destroy and to throw downe, and to build and to plant. And againe, we declare, we say, we define, we pronounce ; that it is necessarie to saluation to beleue that euey humane creature is subiect to the Pope of Rome.] These be the lawes of the court of Rome which some of late haue so much adored as to call them Catholike Diuinitie, and which for truth and certaintie, and for authoritie ouer their consciences, they hold comparable euen with the holy Scriptures.

Ierem. I. 10.

Answer to
the fift part of
Reports.

4. By all which wee collect the doctrine of the court of Rome or the Popes faction to be, that the Pope hath all power Spirituall and Temporall aboute all other whatsoeuer. This I call the opinion of the Court of Rome, or the Popes faction, because we finde the most learned of the Church of Rome to hold the contrary. For concerning spirituall power, the best learned of the Church of Rome, yea and whole counsels maintaine the Spiritual power of the Church, to be aboute the Pope; as hereafter we shall declare. And for this Temporall power aboute Kings and Emperours, claimed by the Popes in their Canon Lawe; maintained by their flatterers : it seemeth so straunge, so new and absurd, that they who maintaine it, are not as yet agreed vpon the state of the question. For some hold that the Pope hath this power directly ouer Princes, as the Canonists, to whom some of the Schoole-men may be added as *Triumphus*, and some of late called *Congregationis Oratorij*, as Cardinall *Baronius*, *Bozins*, and such. Others denying this direct power, hold that the Pope hath the same power but indirectly, as depending vpon his Spirituall power; of this opinion is Cardinall *Bellarmino*, and others : these both hold the same conclusion, but differ in the manner of holding it. Others there

be who are in some sort content to allowe the Popes Fatherhood in spirituall matters, in case he would not prooue incorrigible, but vterly denie this power ouer princes, both direct and indirect: of this opinion was *Guil. Occham*, *Marsilius Patavinus* and other learned men of the Church of Rome. And of late *Guil. Berclains* a French Lawyer, hath with great learning refuted both the former opinions, of the Popes power direct and indirect against *Bozius* and *Bellarmino*, and yet this man professeth himselfe to be resolu'd to liue and die a Papist: so that on the one side stand all the reformed Churches, and many of the best learned of the Church of Rome: I may say all the Church of old and of late. On the other side standeth the Pope with his faction, that is, his flatterers: and this I call (with some of former ages) the Court of Rome: this is the opinion of our aduersaries.

5. Our positie sentence against this standeth in two parts, as the Pope hath inroached on two sides, both vpon the right of Kings, and of the Church. Concerning the Kings right, we hold *that in externall coactiue Iurisdiction the King hath supream authority in all causes and ouer all persons Ecclesiasticall as well as Ciuill*. This is that which hath bene published by diuerse writings and ordinances, which by publike authority haue bene enacted and published; declaring that the King within his Dominions hath this soueraigne authority, and that heerein there is no forraine power aboue the King. The authority of the Church hath bene in like sort vsurped by the Pope, by drawing to himselfe a supposed title of the head of the vniuersall Church: by deuising a straunge authority in the fulnesse of power, by claiming a newe and straunge priuiledge of his not erring iudgement, and making himselfe the onely iudge of controuersies of faith. This power in iudging and determining of controuersies of faith and religion, being partly in the Church, partly in the Scriptures, the Pope hath wrested from both; first extolling the Church aboue the Scriptures, and then setting himselfe aboue the Church. Then, that the limits of each power may be truly knowne, we giue all spirituall power to the Church, all externall coactiue iurisdiction to the

*Inuention An.
1559 and Anno
1562.*

the King : when each of these shall haue taken vp his owne right, there will not be so much left to the Pope, as these great flatterers the Iesuits seeke to heape vpon him. Our purpose is first, to dispute the right which Kings haue in coactiue power ouer all persons and in all causes euen Ecclesiasticall within his dominions : by persons ecclesiasticall wee vnderstand Archbishops, Bishops, Deans, Rectors, and all other set in calling and place Ecclesiasticall : by causes Ecclesiasticall wee vnderstand causes Ecclesiasticall of *externall coactiue Iurisdiction*.

6. From this consideration of persons and causes, arise two great questions. First, concerning the exemption of all causes Ecclesiasticall, from the Kings Iurisdiction : secondly, concerning the exemption of Ecclesiasticall persons from temporall audience and iudicature. For the better vnderstanding hereof, we may proceede by some distinctions: for when our aduersaries teach that the Pope is the head of the Church : and we, that the King is the supream gouernor of the Church, though in some sound of wordes, these things seeme not much to differ : yet in truth there is great difference betweene their meaning and ours. For they calling the Pope the head, to distinguish him from Christ, whom the Apostle calleth the head of the Church, say that the Pope is the ministeriall head : which deuise was first brought in by the Schoolemen : for among the auncients it was not knowne, but all that speake of the head of the Church before, acknowledge none but Christ. Concerning this deuise of the ministeriall head, we say with the ancient Fathers that the Catholike Church is but one, and hath one head, Christ Iesus : because to one bodie there can bee but one head, from whom grace is infused to the whole body. This Catholike Church is as that head is, both perfectly known to God, not to man : this then is but one in all times and places. But the visible Churches or particular, are many at many times, in many places : and therefore must haue heads or gouernours, answerable to themselves : for many Churches, many gouernours, These are either Spirituall gouernours or Temporall. The spirituall gouernment of the Church is committed to spirituall gouernours, as first from Christ to his

Ephes. I. 22.

Matth. 18. 1.

Marc. 9. 34.

Luke. 9. 46.

Isai. 49. 32.

De ecc'les. mili-
tant. lib. 3. ca. 13

twelue Apostles, of whom none was aboue the rest in this spirituall government or kingdome of Christ, as the Lord doth often expressly declare to them: from them to Bishops and Pastors, their successeurs. Temporall gouernours are such, as haue the custody of externall coactiue Iurisdiction, both in Temporall and Ecclesiasticall causes: for the power of the Church, with all her spirituall Iurisdiction, neuer reached to coaction. This was by God first giuen to Magistrates, and neuer reuoked, in all times practised, but when the Church and Kings were oppressed by the great power of Antichrist. When wee call the King the supreame gouernour of the Church, our meaning is, that hee is appointed by God to be a Father and preseruer of religion, a keeper of Ecclesiasticall discipline, and as the Prophet *Isaiab* calleth him, a nourcing father of the Church; he is the soueraigne in all affaires of coactiue Iurisdiction. Likewise this word Church, is not taken in the same sense by them and vs; for our aduersaries saying, that the Pope is the head of the Church: vnderstand thereby the Catholike Church spread ouer the whole world, but we vnderstand a particular Church, yeelding the King to bee gouernour next and immediatly vnder God of his own dominions, and consequently of persons and causes within his owne dominions: so that there is much difference betweene their meaning and ours. Then we must come to such an issue, wherein without equiuocating the question betweene vs is set; for wee shall otherwise run into that fault which is so rife, with the Popes Clarks, that *Bellarmino* himselfe confesseth it. *Notandum est* (saith he) *multos ex nostris tempus terere, dum probant quod Calvinus & ceteri heretici concedunt.* This is most common among them to bee large in disputing that, which is not in question betweene vs, and it is a signe of some ingenuitie to confesse it: but neither doth himselfe for all his confession auoid it, neither doe they that write since, and depend vpon his learning, shunne it after so faire warning; neither in truth can a false cause be maintai-
ned, in so many bookes and large volumes as now they set out, vnlesse they tooke this libertie to themselves, to be large in disputing things which are not in question. The question then is
concer-

concerning the lawfull authoritie of Kings in their owne dominions, touching this part of Iurisdiction which is called Ecclesiasticall coactiue Iurisdiction.

7. For better proceeding, let the distinction be remembred, which is vsually receiued of Ecclesiasticall power : for all power Ecclesiasticall is commonly deuided into power of order, and of Iurisdiction. The power of order, by all writers that I could see, euen of the Church of Rome, is vnderstood to be immediately from Christ, giuen to all Bishops and Priests alike by their consecration : wherein the Pope hath no priuiledge aboute other. Thus teach *Bonauenture in 4. sent. d. 17. q. 1. August Triumphus lib. de potest. eccles. qu. 1. ar. 1. Ioh. Gerson li. de potest. eccles. confid. 1. Cardinal. Cusanus lib. de cathol. concord. 2. cap. 13. Cardinal. Contarenus tract. de eccles. potest. pontificis Bellarm. lib. 4. de Rom. Pont. cap. 22*. This then being the common confession of all, that the Pope hath no more power herein, then any other Bishop or Pastor, we moue no contradiction in this. As they confesse that in this power the Pope hath no præeminence, but that it is giuen from Christ to all Bishops and pastors equally : so wee confesse that in this power the prince hath no part, and that Bishops and pastors haue this power onely from the diuine ordinance, and not from earthly princes : then our question is onely, of the power of Iurisdiction.

8. This power of Iurisdiction is diuersly vnderstood by the writers of the Church of Rome. *Augustinus Triumphus* doth deliuer it thus. [The power of Iurisdiction is Temporall or Spirituall; and this power considered in generall is threefold; immediate, deriued, or giuen to execute some seruice : the power of Iurisdiction immediate of all things Spirituall and Temporall, is onely in the Pope. The power of Iurisdiction deriued is in Bishops, to them deriued from the Pope : the power of Temporall Iurisdiction giuen to execute some seruice for the helpe of the Church is in Emperours, Kings, and secular princes : this power is not immediat from God, but is giuen first to the Pope ; and so to Kings for the vse of the Church, and helpe of Pope and Prelates]. I haue deliuered this in the very words of *Triumphus*, whom in this thing others followe :

*De potest. eccles.
qu. 1. art. 1*

Lib. 5. de Rom.
pont. cap. 6.

though of late some of the finer Iesuits, who hold the same, are growen more cunning in the manner of deliuering it. *Bellarmino* loath to leaue the opinion, and ashamed so grossely to propose it, deuifeth a mollification of it thus. *Afferimus Pontificem ut pontificem, et si non habeat ullam meré temporalem potestatem: tamen habere in ordine ad spirituale bonum summam potestatem disponendi de temporalibus rebus omnium Christianorum.* That is, [We auer that the Pope, albeit he hath not any power merely Temporall as Pope, yet hath power supreme in respect of Spirituall good, to dispose of all the Temporalities of all Christians. And in the next Chapter concludeth, that the Pope hath authoritie to depose hereticall kings and princes; and answereth to an obiection, which I will set downe in his own words. *Quod si Christiani non deposuerunt olim Neronem, Diocletianum, Iulianum, Valentem & similes, iussuerat quia deerant vires temporales Christianis.* That is, [If Christians of old deposed not *Nero, Diocletian, Iulian, Valens*, and the like, this was because Christians then wanted Temporall forces]. They will shortly without blushing tell vs, that Iesus Christ also submitted himselfe to the heathen Emperours, and to their deputies, because he wanted power to resist them: for this they may say with some sophistickall shew of reason, aswell as that which they doe say. Then his opinion is, that the Pope as Pope hath not any Temporall power, but yet the Pope and onely the Pope hath Temporall power aboue all Kings and Emperours. This is one of the greatest points wherein the Pope hath incroached vpon the right of Kings.

9. Besides this Temporall Iurisdiction, there is another part of Iurisdiction called spirituall: which the writers of the Church of Rome deuide into internall, and externall; internall they referre to the Sacraments onely, *Gerson de potest. ecclesi. consid. 1. Bellar. de Rom. pont. lib. 4. cap. 22.* *Bellarmino* in the place last cited, disputing of Iurisdiction, saith, [there is a triple power in the Bishop of Rome: first of order, secondly of internall Iurisdiction, thirdly of externall Iurisdiction: the first is referred to the Sacraments, the second to inward gouernment which is in the court of conscience; the third to that externall
gouern-

gouernment which is practised in externall courts : and confesseth that of the first and second, there is no question betweene vs, but onely of the third : *De primâ & secundâ non est questio, sed solum de tertiâ*; saith he. Then of this wee are agreed, that the question betweene vs and them, is onely of Iurisdiction in the third sense, and therein especially of *Iurisdiction coactiue in externall courts* : binding and compelling by force of law, and other externall mulcts and punishments, beside excommunication : as for Spirituall Iurisdiction of the Church, standing in examinations of controuersies of faith, iudging of heresies, deposing of heretickes ; excommunication of notorious and stubborne offenders, ordination of Priests and Deacons ; institution and collation of benefices and spirituall cures, &c. This we reserue intire to the Church, which Princes cannot giue or take from the Church. This power hath bene practised by the Church, without coactiue Iurisdiction : other then of excommunication. But when the matters handled in the Ecclesiasticall consistorie, are not matters of faith and religion, but of a ciuill nature, which yet are called Ecclesiasticall, as being giuen by Princes, and appointed to be within the cognisance of that consistorie ; and when the censures are not spirituall, but carnall, compulsiue, coactiue : here appeareth the power of the ciuill magistrate. This power we yeeld to the magistrate, and here is the question, whether the magistrate hath right to this power, or Iurisdiction, which is thus described by the Romanists. Externall Iurisdiction Ecclesiasticall, is a power coactiue giuen to gouerne Christian people in contentious courts : this is the principal question which we haue here to search. Our English flatterers of the Pope that write now, and of late haue written, vndertake to prooue that this Iurisdiction is first and principally in the Pope, and from him deriued to Bishops, and that Kings haue not this power at all, or any part of it, vnlesse by commission from the Pope : our assertion is contrary, that this power of Ecclesiasticall Iurisdiction externall and coactiue belongs to Kings only, & not to Ecclesiasticall persons, but as they haue commission from their Princes. And because we would not be mistaken in the question, we will set down the words of

*Lib. 4. cap. 22.
de Rom. Pont.*

What is the
Iurisdiction in
question.

De potest. Eccle.
consid. 4.

the best of that side, for better euidence and assurance, who take the question thus, and not otherwise. *John Gerson* saith, *Potestas Ecclesiastica Iurisdictionis in foro exteriori, est potestas Ecclesiastica coactiua, qua valet exerceri in alterum etiam inuitum.* *Bellarmino* speaking of the same power, saith it is, *ad regendum populum Christianum in foro exteriori.*

10. Then this is the thing which wee are to prooue, that Ecclesiasticall coactiue power, by force of lawe and corporall punishments, by which Christian people are to be gouerned in externall and contentious courts, is a power which of right belongeth to Christian Princes. Concerning the power of orders, and institutions, of excommunication and deposition, and of internall Iurisdiction in the court of Conscience, & in administration of Sacraments, & absolution by power of the keyes; this we giue not to Princes: but Princes, as they are preseruers of Religion, and nurcing fathers of the Church, are to see that Bishops and all inferiour ministers performe their faithfull duties in their seuerall places, and if they be found faulty to punish them; because that belongeth to external Iurisdiction coactiue. Thus much may suffice for the state of the question. For the manner of handling, I purpose to search the right of Kings; first in the law of nature; secondly in the written law giuen by *Moses*, continued vntill the comming of our Lord Iesus Christ: thirdly to declare the confirmation of the same right by Christ and his Apostles, and the Church succeeding, vntill that time that the Pope drew a newe estate and Iurisdiction to himselfe. After which time I purpose to obserue how the Pope hath incroached, first vpon the Bishops, then vpon the right of kings, and last vpon the right of the Church and generall Councils. By all which will appeare, how late, how new and strange that Iurisdiction is, which the flatterers of the court of Rome now yeeld to the Pope.

C H A P. II.

*Kings in the time of the Law of nature, had all power
Ecclesiasticall, both of order and Iurisdiction.*

IN the Law of nature we haue not many examples of Kings, that gouerned a people where the Church of God was planted : there is onely mention of *Melchisedecke* King of Salem, of him it is said, *Gen. 14.* *Melchisedecke* King of Salem was a priest of the high God. In his person these two offices, the kingdom & the priesthood were ioyned; both which offices followed the prerogative of the birthright : for that this *Melchisedeck* was *Sem*, is the receiued opinion of many interpreters : wherein is some difference. Some take *Sem* to be the eldest sonne of *Noah*, but others from a probable collation of Scriptures hold him to be the second sonne : but whether hee were eldest or not, it is apparant, and out of doubt by that blessing, *Gen. 9.* that he had the birthright : for *Canaan* is made his seruant, which is the auncient stile and euidence of the birthright, as is expressed in the birthright of *Iacob*; & *Iaphet* is persuaded to dwell in the tents of *Sem*. Whereas therefore hee hath that honor about both his brethren, the birthright is evidently confirmed vnto him, *Canaan* being made his seruant, and *Iaphet* being directed to repaire to his tents : for as then the Church was in tents. *Sem* hauing the birthright confirmed by his fathers blessing, as *Iacob* had by the blessing of *Isaack* afterward, hath consequently all those priuiledges confirmed to him which followe the birthright. The priuiledges which in the time of the law of nature followed the birthright, were these; The gouernement or principalitie, the Priesthood, and a portion answerable to maintaine both these dignities : the two former were principall prerogatiues, the third followed as an adherent to them; a double portion answerable to a double dignitie. The principedome and double portion are generally acknowledged to belong to the birthright : but the priesthood is

*Gen. 14. 19.**Gen. 9. 26, 27.**Gen. 27. 29.*

not so much manifested, and would therefore somewhat more be opened. I will here briefly collect the reasons, which proue the priesthood to belong to the birthright, as wel as the princedom and double portion.

2. First from reason it is deduced thus, It cannot by reason be imagined, but that God hauing a purpose to call a Church out of this world, did set vp the gouernment and meanes whereby the Church might be instituted in the true knowledge and worship of God: therefore this gouernment and those meanes were set vp in the law of nature, in those principalities which then stood. The first principallitie that was set vp to rule many families, was a kingdome; as the first simply was in the gouernment of a family: for before there could be a common-wealth, there must be a citie, or the collection of many families into the lawfull right of one societie; and before there could be a citie, there must bee particular houses and families: so that the first gouernment that was in the world among men, was the gouernment of a family: now in the gouernment of a family, it is absurd to thinke, and impossible to prooue, that the power of gouernment was in the multitude. This I obserue the rather, because some of the Popes flatterers of late, as others also to open a wide gappe to rebellions, haue written that the power of gouernment by the law of nature is in the multitude: but euery man of reason carrieth thus much light and vnderstanding about him, as to iudge of this thing without error. Because no man can conceiue in the first beginning any other gouernment of a family, then by one whom God and nature made *Patrem familias*, the father of the familie. Now come from the gouernment of one familie, to the gouernment of diuers; when many families were gathered together, the first gouernment that was crected among them, was that with which they were first and best acquainted: for as in families, so in the collection of diuerse families, one was in gouernment, as the father of the family was in his familie. And what is a King by nature, but the father of a great family? and what is the father of a familie by nature, but a little King? and therefore the first gouernement of states by the lawe of nature, was by Kings.

These

These principalities were first erected for the good of Gods Church; to minister as nourcing fathers, to the Church. Thus were Kings erected, not onely by their authoritie to see that Gods seruice were established, but by the law of nature to performe that seruice in their owne persons. And therefore as *Adam* had this care first, so it is testified of *Seth* (to whom the birthright pertained after *Cain* was reiected) that in his time men began to call vpon the name of the Lord, which declareth that he established the true worship of God in his dayes.

Gen. 4. 26.

3. Another reason may be drawn from this blessing which *Noah* gaue to *Sem*, [blessed be the Lord God of *Sem*, and let *Canaan* bee his seruant; God perswade *Iaphet* that hee may dwell in the tents of *Sem*, and let *Canaan* be his seruant.] In which words three priuiledges of *Sem* are manifested. First that God is called the Lord God of *Sem*, Secondly that *Canaan* shal be his seruant: Thirdly that *Iaphet* shall repaire to his tents. The first and last are confirmations of the priesthood, the second a proofof the primogeniture: then the priesthood is annexed to the birthright. Another reason is from the example of *Melchisedeck*, who was both King and Priest. In which example we consider, that by the law of nature, before there was a positieue law to distinguish and separate these offices, both did naturally concurre in one person: for in this we ynderstand the ordinary course held in the law of nature. If wicked Kings neglected this godly order, it was because they were wicked, and had shaken off the feare of God, and as much as in them was, extinguished the light of nature. Another reason may be drawn from the testimony of *Moses*, who witnesseth that the Lord tooke the Leuites to minister in place of the first borne. [I haue taken the Leuites from among the children of Israel. And the Leuits shall be mine, because all the first borne are mine.] Vpon which wordes *Lyra* reporting the receiued iudgements of the best interpreters saith. *Ante legē datam ad primogenitos pertinebat offerre sacrificia*: and a little after, *Leuitae successerunt loco eorum*: and againe to the same purpose, *Cuius diuinitus ante legem datam pertinebat, ad primogenitos israel*: and againe, *Sacerdotium fuit annexum primogenitura usq; ad legem datam per Moysen*.

Gen. 9. 26. 27.

Num. 3. 12.
& 8. 16.Lyra in Num. 3.
12.

In Num. 8. 16:

In Gen. 14.

Plato in politic.
Arist. 3. de re-
pub. Cic. 1. de di-
uinat. Clem.
Alex. str. 8.

4. By all which thus much appeareth ; that by the law of nature, the first borne stood in the ministerie & seruice of God, to preach the knowledge of God to others, and to execute his ordinances and sacrifices. And as the first borne in families were thus to instruct and informe the whole familie, so the first borne in a nationall principallitie or kingdome were bound not onely to commaund as ciuill magistrates, but to execute the holy ordinances of God as the chiefe Priests of that nation ; as is euident by these reasons, and by the example of *Melchisedeck*. The same light may appeare though much darkened, in the ancient gouernment of the heathen ; for euen heathen Kings are witnessed in old times, to haue bene Priests of such gods as they serued : which auncient combining of these two offices in one person, came from the ancient practise in the time of the lawe of nature, and from the light of nature which was receiued among the heathen.

5. But here a question may be moued ; If Kings by the law of nature were Priests, and the lawe of nature stand alwayes in force, not abrogated : why then are not Kings now Priests ? For aunswere, first we say, that it was altered by a positiue lawe of God, as hereafter we shall declare : and therefore the same authoritie that instituted this thing, hath also altered it. But it may be replied, that the positiue law of God which hath altered this thing, was partly ceremoniall, partly iudiciall : for these two dignities of the pryncedome and priesthood, which vnder the law of nature were combined in one person, were diuided vnder the law of *Moses*, and distinctly set in two persons. *Moses* keeping the ciuill gouernment, and *Aaron* the Priesthood. The gouernment of *Moses* and his successours being more ciuil, The Priesthood of *Aaron* & his successors ceremoniall ; it followeth that this ancient ordinance of the law of nature was altered by such positiue lawes of God, which were either ciuil or ceremoniall : and consequently that this alteration taketh not away the auncient right.

6. If I might therefore in a matter of this nature declare my poore opinion, leauing the censure hereof to the learned that are able to iudge : I take it, that as it is not simply vnlawfull that

that a King may be a Priest, and neuerthelesse keepe his kingdome: so I suppose this thing cannot be done without not only a lawfull, but also an ordinarie calling from God, and from the Church: [For no man taketh this honour to himselfe, but he that was called thereto, as was *Aaron*.] And this cannot bee done without an ordinarie calling: for when Kings were Priests, and the first borne sacrificers, as in the law of nature; then they had an ordinarie calling therto: for that was then the ordinance of God, & ordinarie in the Church, which now is not. But if a man were first a Priest, and afterward aduanced to a kingdome by some Temporal right: in this case it were assuredly vnlawfull for him to shake off his holy estate, and betake himselfe wholly and only to his Temporall gouernment, as some Cardinals haue done. Then by the law of nature the King had both the power of order and Iurisdiction: and howsoever this is altered by a positiue ordinance of God, yet all is not taken away: there remaineth still that part of Iurisdiction, so farre as it standeth in power coactiue, in respect wherof the common law of this land saith, the King is *persona mixta*, because he hath both Ecclesiasticall and Temporall Iurisdiction.

Heb. 5. 4.

10. H. 7. 18.

This example of *Melchisedeck* both King and Priest, hath much lifted vp the Pope and his flatterers: for of this they take especiall hold, and thinke hereby to prooue the Pope to be King of the Church, because *Melchisedeck* was both King and Priest. But to this we aunswere, *Melchisedeck* had both these honours by a lawfull and ordinarie calling, but so hath not the Pope: for his Priesthood, we graunt he had once there-to a lawfull calling, both by locall and doctrinall succession: which doctrinall succession *Irenaus* calleth *successionem principalem*: *Tertullian*, *doctrina cōsanguinitatē cum Apostolica Ecclesia*: but now haue they forsaken that principall succession, and haue nothing left to glory in, but bare personall and locall succession. Then to the office of a Bishop, the Pope may shew some colour, though the colour be now worne thredbare: but to the princely office which he claimeth ouer the Church, he can shew neither calling nor colour: so that the example of *Melchisedek*, which the Popes parasites drawe with such violence to him,

Fren. li. 4. ca. 43.
Tertul. prescript.

doth helpe him nothing, but rather helpeth the cause of Christian Kings against him : for it is certaine that Kings were Priests by an ordinary calling before these two offices were distinguished ; but it can neuer be prooued that Priests were Kings by such an ordinary calling, after that these two offices were set in distinct persons. If any man suppose that we haue stretched the example of *Melchisedeck* too farre, because he was a type of Christ : I aunswere, this is nothing against my purpose, that *Melchisedeck* was a type of Christ. For many men in their ordinary standing and executing ordinary functions, did also beare some type extraordinarie : thus did *Moses*, *Ioshua*, *Dauid*, *Solomon*, and others. I speake of *Melchisedeck*, as I finde him in his ordinary place, a King, and a Priest.

8. By all which we conclude, that vnder the law of Nature Kings were in the beginning inuested with all power Ecclesiasticall both of orders and Iurisdiction : and therefore these things are not incompatible by nature. All this time which lasted about the space of two thousand and fise hundred yeeres, Kings had Ecclesiasticall Iurisdiction without question. And therefore this Iurisdiction of Princes, which we haue vnder taken to examine, is found aunswerable to the first gouernment of the world, vntill the time of the law giuen by *Moses*.

C H A P. III.

All externall Iurisdiction coactiue, was a right belonging to Kings vnder the Law.



Now let vs search what Iurisdiction in matters Ecclesiasticall was found due, and acknowledged to belong to the Kings right all that time vnder the Law. Then we find by an especiall commaundement of God : these two offices of King and Priest were distinguished, and set in two seuerall persons : the one in *Moses*, the other in *Aa-*

ron. And the tribe of *Leui* was taken to the seruice of God, *Num.3.12.*
 in stead of the first borne by an expresse commaundement : and
 the first borne which in number exceeded the number of the
Leuites, were redeemed by five shekels a man : for the number *Ex.8.6.*
 of the first borne was taken 22273. the number of the *Leuites* *Num.3.*
 22000. so that the number of the first borne exceeded the num-
 ber of the *Leuites* by 273. These were redeemed, and after that
 redemption, the first borne of other tribes were discharged
 from the attendance of the seruice of God, & the *Leuites* tooke
 vp their place. Now the Kings office and the Priests being thus
 distinguished, we must consider what things did properly be-
 long to each office.

2. First we find that *Moses*, who had the place of a King in
 gouernement, as he is also called a King; doth consecrate *Aa-*
ron the Priest. *Moses* is commaunded to consecrate him and *Gen.36.31.*
 his son *Exod.28.* and performeth it, *Leuit.8.* therefore it is re- *Dent.33.5.*
 peated, *Num.3.* These are the names of the sonnes of *Aaron* *Num.3.3.*
 the anointed Priests, whom *Moses* did consecrate to minister
 in the Priests office. Heere then appeareth some Iurisdiction
 of *Moses* ouer *Aaron*. But this I meane not to vrge, for it may
 bee thought extraordinailly to belong to *Moses* as Gods
 Apostle or Ambassadour and lawgiuer ynto *Israel* : for in such
 great chaunges, as was from the law of Nature to the written
 law, somewhat must bee admitted extraordinary : and this I
 could be well content to vnderstand so : though many doubts
 arise for the princes right, against the Priests. For first it may
 be objected, seeing there was a Prince and a Priest set vp di-
 stinct one from the other, why should the Prince consecrate the
 Priest, and not the Priest the Prince? But here we finde that
Aaron doth not consecrate *Moses* to be Prince, but *Moses* doth
 consecrate *Aaron* to be Priest. Another doubt may be moued,
 why *Moses* should consecrate not onely *Aaron*, but his sonnes
 also. For though we should admit the consecration of *Aaron*
 to be done by *Moses* of necessitie, as a thing extraordinary at
 the first beginning of this Priesthood : yet this necessitie appea-
 reth not so much in *Aarons* sonnes : for they might haue bene
 consecrated by *Aaron*, after that himselfe had bene once conse-

crated by *Moses*. And yet we find that the consecration of *Aaron*, and his sonnes, is done altogether by *Moses*. These things though they make faire shew for the Princes Iurisdiction Ecclesiasticall ouer Priests, yet wee purpose not to stand vpon them.

3. But when the Priest was once consecrated and ordained, and all things fully perfected concerning his function, and two seuerall and distinct functions set vp; then will appeare without faile in *Moses* & his successors the right of Princes, in *Aaron* & his successors the right of Priests. After all things thus perfected, we finde that all the lawes which in truth proceeded originally from God, were established by the authoritie of *Moses*: and this we finde true, not onely in Iudiciall and Ciuill Lawes, which were to rule that state; but euen in ceremoniall and Morall Lawes which were to rule the Church. There is not so much as one ceremoniall law established by the authoritie of *Aaron*, but in all the name and authoritie of *Moses* is expressed: only we finde concerning *Aaron*, that if any doubt in the lawes ceremoniall did arise, for the interpretation of those lawes and of such doubts, the high Priest must sit as iudge. For the people are charged in matters that are hard, to consult with the Priest and ciuill iudge, *Deut. 17. 8. &c.* Which the learned interpreters vnderstand thus: that if the cause be mixt, partly Ciuill, partly Ceremoniall, or doubtfull; that then both the Ciuill Magistrate and the Priest must iointly determine it: but if the people haue distinct causes, some Ciuill, other Ceremoniall, the Ciuill Magistrate must iudge the causes Ciuill, and the Priest must iudge the causes Ceremoniall: from the consideration of which place we may drawe certaine inferences.

4. First, all Lawes euen Ceremoniall, that is, Lawes whereunto Spirituall or Canon Lawes are answerable, are established by the authoritie of the Ciuill Magistrate. This taketh away all authoritie of the Popes Canon law, in all Christian kingdomes, where it is not established by the authoritie of Kings in their kingdomes. For it is against all reason, and rules; whether we looke vpon the light of nature, or vpon the Scriptures, or the lawfull practise of authoritie since the Scriptures were written, that

that any Lawes should be imposed vpon a Prince against or without his consent : as the Popes haue indeuoured to impose the Canon Lawes vpon Princes. And this appeareth in the practise of Christian Magistrates , so long as lawfull authoritie stood up without confusion in the world. But heere we consider the fountaine of that practise, which was from Gods Law : wherein we see all Lawes confirmed and established by the authoritie of the Ciuill Magistrate. And if it could bee prooued, that in some Lawes Ceremoniall the authoritie of *Aaron* was requisite, yet this helpeth them nothing that plead for the Popes Canons. For these men would impose these Canons vpon Princes without their consent: but in all these Lawes of *Moses*, (wherein is a perfect pattern for all law-makers) they cannot shew one Law, though neuer so nearely concerning the Church, which is established without the authoritie of *Moses* the Ciuill Magistrate. If they obiekt, these things were all done by an especiall commaundement of God, I aunswere this doth more establish the authoritie of Princes, and confirme our purpose : for let them aunswere, why God would haue all these things established by the Ciuill Magistrate, and not by the Priest? This then maketh a greater and clearer confirmation of the Princes right. Then the Church may interpret Scripture, determine controuersies of faith, but cannot establish a Law: the reason is, because for the establishing of Lawes, coactiue power is requisite, which is in the Ciuil Magistrate, & not in the Church. And therefore the Canon Lawes can haue no force of lawes, but as they are receiued and established by Princes in their seuerall kingdomes. For neither can the law haue the force of a law without coactiue power, neither hath the Pope any coactiue power in the kingdomes of other Princes; but onely in such places where himselfe is a Temporall Prince.

5. Secondly we obserue that the high Priest is appointed by God a iudge for interpretation of those lawes that concerne the Church, in questions of conscience, in causes mixt, or doubtfull. This might moderate the humours of some, who in loue to innovation would leaue no place of iudicature to Ecclesiasticall persons : for these things are insert into *Moses* lawe, ta-

ken from the law of Nature, and not as things Ceremoniall: which thing is apparant from the end, vse, and necessitie thereof: for the things which had a necessary vse before the written law, and must haue a necessary vse after the abrogation of that law, must be acknowledged to be taken from a perpetuall law: because there must be a perpetuall rule for a perpetuall necessity. This then being perpetuall and necessary (matters of question, and of Ecclesiasticall audience still arising) the hearing and iudging of such things, belong to such as are most skilfull in those affaires. And hence is the iudicature of such things assigned to the Priest: which right of Ecclesiasticall iudgements and courts, standeth no lesse now due to them in the time of grace, then it was under the law: because this office in iudging, hearing, and determining, is not heere giuen to Priests as a thing Ceremoniall, but as I haue declared, deriued from the law of Nature, as a perpetuall seruice for a perpetuall vse.

6. Thirdly we consider that the lawes Ecclesiasticall are established by the authoritie of the Ciuill Magistrate, but for interpretation of them the Priest is appointed to iudge. Hence riseth the ground of Iurisdiction both Temporall and Spirituall: wee consider Iurisdiction here as our question importeth, authority coactiue in externall iudicature in the execution of lawes. The fountaine of this authoritie is in him principally, by whose authoritie the law is established, and without whose authoritie it is not. The execution of this authoritie is in them that are appointed iudges. And heerein there is no difference betweene Temporall and Ecclesiasticall authoritie, I speake not now of Spirituall gouernment by the lawes of God, executed within the court of Conscience, but of Ecclesiasticall gouernment in the execution of lawes Ecclesiasticall, wherein there is vse of coactiue power. These two things being in themselves, and in nature so distinct, if this one distinction might be remembred, it is ynough to aunswere all the confused collections of that Catholike Diuine, who wrote of late against the fift part of Reports of the Lord *Cooke*. For all that hee writeth there, resting vpon no other ground, then vpon the confounding of Spirituall

all and Ecclesiasticall power, is answered in one word, by this one poore distinction betweene these two powers. Now the distinction is apparant: because in Spirituall gouernment there is no coactiue power: but in Ecclesiasticall iudicature there is coactiue power: which maketh an euident and famous difference in Iurisdiction: because this is most certaine, that all that Iurisdiction wherein coactiue power is vsed, is from the Ciuill Magistrate. Then if these two gouernments, I meane Ecclesiasticall and Temporall, be directed by coactiue power, there is no difference in the point of Iurisdiction betweene Temporall and Ecclesiasticall authoritie. For the King and only the King is to appoint iudges in matters Temporall and Ecclesiasticall, the King hath no more authoritie in reuerfing the iudgement of the one, then of the other, being true, iust, and lawfull. So that the Kings Iurisdiction standeth not in a power to disfauill true and righteous iudgemens, but in a power supereminent, by which he is charged: First, to confirme lawes Ecclesiasticall and Temporall, Secondly, to place Iudges for both causes, Thirdly, to see that those iudges of both sortes iudge iustly according to right and equity, Fourthly, to punish them if they shall be found to giue vniust and corrupt sentences, Fifthly, and last of all, his Iurisdiction appeareth in appellations.

7. But heere a question will be moued, whether a man may appeale from an Ecclesiasticall iudge to the Prince. For that one may appeale from a Temporall iudge, I suppose it is not doubted, at least I see no reason why it should be doubted. But in a cause Ecclesiasticall and from a iudge Ecclesiasticall to appeale to the Temporall Magistrate; of this some Romish Doctors doubt. This doubt which the Canonists haue made, may be increased by that place, *Deut. 17. 10.* [Thou shalt not decline from that thing which they shall shew thee, neither to the right

Deut. 17. 12.

hand nor to the left. And that man that will do presumptuously, not hearkning to the Priest that standeth before the Lord thy God to minister there, or vnto the iudge that man shall die.] It might seeme to be collected hence, that there is no appellation from the Priest; no though hee should iudge as some Rabbins expound the words. I will declare their exposition because it

Verse 11.

fauoureth much like the expositions of some Papists, where the text saith, thou shalt not decline to the right hand, nor to the left, they expound it; that if the Priest shall say thy right hand is thy left, or thy left is thy right: this sentence thou must receiue and therein rest.

8. But this is a fond assertion, not only without reason, but against the expresse words of the Scripture: for it is said, according to the law which shall teach thee, and according to the iudgement which they shall tell thee, thou shalt doe. Where we finde two rules for these two kindes of Iudges, the Priest and the iudge: the sentence of the Priest, must be according to the written lawe: the sentence of the other according to the truth of iustice and iudgement. If a man be able to shew that he is wronged, he may vndoubtedly appeale to a Superiour: now a man may be able to shew that he is wronged, if hee can shew that the Priest declineth from the law of God, which is appointed his rule, or the Temporall iudge from iustice. And therefore if there be a Superiour in the land, he may appeale: but if there be no Superiour, he is without remedie; as when *Hely* was both Priest and iudge: from him at that time there could be no appellation. but where the forme of a kingdome is establisht, where one King is set vp in lawfull authoritie, by whose power iudges Spirituall and Temporall are placed in his dominions: heere appeareth a fountaine of Iurisdiction, deriued as it were into two inferiour riuers: and from these inferior powers appellation may be brought, if they shall not in their sentences, keepe their rules prescribed to them, the lawe and iustice: for the appellation being grounded vpon the lawe of Nature, to moderate the perversitie and partialitie of iudges; it were an absurd thing to denie this in causes Ecclesiastical, vnlesse a man would suppose that persons Ecclesiastical may not be corrupt in their iudgements. Now if we shall once graunt appellations, then assuredly wee confirme the Iurisdiction of Princes in all matters wherein appellation may bee made to them. And because Iurisdiction is assuredly proued by appellation, we will for the farther manifestation of the truth, seeke to cleere this point: the rather because our aduersaries tell vs confi-

confidently, that in matters Ecclesiasticall, all appellation belongeth to the Pope. The Popes say so, and they beleewe them: we hold that appellation in causes Ecclesiasticall is to bee directed to the King, who is by God set ouer the persons appellat.

9. In the Old Testament we haue fewe examples, or none, that I remember; of any that appealed from any inferior iudge Ecclesiasticall to the Soueraigne: but in the New Testament there is one example sufficient to confirme the truth. *S. Paul* *Act. 25. & 23.* being accused for causes Ecclesiasticall, appealed from the high Priest to *Cesar*. Therefore it is lawfull in matters Ecclesiasticall to appeale from iudges Ecclesiasticall to the Ciuill Magistrate. The consequence resteth vpon this, that *Saint Paul* heerein did nothing but that which he might doe iustly and lawfully: which thing I suppose the greatest enemy of *Saint Pauls* Doctrine, will not denie: for he came vp to Ierusalem with this profession and purpose. [I am ready not to bee bound onely, *Act. 21. 13.* but euen to die for the name of the Lord Iesus. Neither durst he for sauing of his life, giue a scandall to the Gospell.] The antecedent consisteth of these two parts, First that the matters for which *Saint Paul* was accused, were matters Ecclesiasticall: Secondly, that therein he appealed from the high Priest: both are witnessed by the expresse words of the Scripture. For *Festus* saith, [They brought no crime against him, but had certaine questions against him of their owne superstition, and of one Iesus which was dead, whom *Paul* affirmed to be aliue.] *Act. 25. 18 19.* These questions be out of doubt Ecclesiasticall, euen in the iudgement of our aduersaries: that he appealed from the high Priest, reskuing himselfe from his iudgement, it is euident by the words in the twentie three Chapter, where the Apostle speaketh to the high Priest, as to his iudge. [Thou sittest to iudge me according to the law.] *Act. 23. 3.* And when he was reskued from the Priests by *Lyfias*, and sent to *Felix*, and left by him to *Festus*: he neuer thinketh of appealing from any of these ciuill gouernours. But when *Festus* asked him, if he will goe to Ierusalem, and there be iudged of these things, then *Paul* vtterly refusing the high Priest appealed to *Cesar*: by which it followeth that in matters *Act. 25. 10.*

Ecclesi-

Ecclesiasticall, a man may appeale from iudges Ecclesiasticall to the Soueraigne Prince. Whereupon this vndoubtedly followeth, that there resteth Soueraigne Iurisdiction in the Prince. And therefore the Popes & their flatterers vnderstanding well, that Supream Iurisdiction could neuer bee prooued to rest in the Popes, vnlesse first Appellation should be made to them, wrought by all subtilty, as hereafter we shall declare (by right or wrong they neither cared nor spared) to cause Appellations to be made to them: which thing when once they had obtained, that in all causes Ecclesiasticall Appellation might be made to the Popes: then and not before, this opinion was resolved, that Supream Ecclesiasticall Iurisdiction was in the Popes. And therefore we prouing that Supream and last Appellation doth by the law of God, belong to none but to the Soueraigne Prince; conclide vndoubtedly that Supream Iurisdiction belongeth to him onely.

10. Heere a question may be mooued, whether Saint *Paul* did well and orderly when he appealed to *Cæsar*, and whether *Cæsar* was made iudge of these questions, which were Doctrines. We aunswere, Saint *Paul* had no meaning to make *Cæsar* iudge of any point of faith. But whereas hee was persecuted by the high Priests, who sought his life; in this matter of coactiue power Saint *Paul* giueth Iurisdiction to *Cæsar*. There is also a difference betweene that power which heathen Princes haue, and that which Christian Princes haue: for heathen Princes haue all power coactiue whatsoeuer the cause be: and without this helpe the Church could neuer deale in matters of this nature. Christian Princes besides this coactiue power, haue also, as appeareth in the gouernment of Israel, externall discipline in matters Ecclesiasticall.

11. Thus we haue declared the distinct right of the King and the Priest, after that they were distinguished by the written law of God: we haue prooued that the Soueraigne Iurisdiction coactiue resteth in the Prince by a right which God hath giuen, and therefore may not be taken away by man. It followeth to consider, how this right hath beene accordingly exercised by the godly Kings of Israel. *Ioshua* commanded the people

ple to be circumcised, and not Eleazerus, the cause was Ecclesiasticall, but to command in such causes declareth iurisdiction. *2.Sam.6.*
David reduceth the Arke, he appointeth Priests, Levites, Singers, Porters to serue at the Tabernacle: he assigneth Officers of the sonnes of *Aaron*. All which being matters Ecclesiasticall, the Prince as hauing soueraigne authority in both causes ordaineth. *Solomon* buildeth the Temple, and consecrateth it. *2.Paral.6.*
Asa remoueth Idols, and dedicated the Altar of God that was before the porch of the Lord. *Iehosaphat* abolisshieth Idolatry, cutteth downe the groues, sendeth Priests and Levites, to teach in Townes and Cities: Setteth vp Iudges both ciuill and Ecclesiasticall, and commandeth both to iudge according to godlineesse, truth, and Iustice. Because in the words of *Iehosaphat*, these things are distinctly deliuered, we will obserue the whole place. The wordes are these, And hee set iudges in the land throughout all the strong Cities of Iuda, Citie by Citie. And said to the Iudges, take heed what you doe, for you execute not the iudgement of man, but of the Lord, and he will be with you in the cause and iudgement. Wherefore now let the feare of the Lord be vpon you, take heed and doe it, for there is no iniquitie with the Lord our God, neither respect of persons nor receiuing of reward. *2.Paral.16.*
1.Paral.24.
2.Paral.6.
2.Paral.15.
2.Chron.19.5
 6.
 7.

Moreouer in Ierusalem did *Iehosaphat* set of the Levites and of the Priests, and of the chiefe of the families in Israel, for the iudgement and cause of the Lord, and they returned to Ierusalem. And he charged them saying, thus shall you doe, in the feare of the Lord, with a perfect heart. And in euery cause that shall come to you of your brethren, that dwell in your Cities, betweene blood and blood, betweene Law and precept, Statutes and iudgements: you shall iudge them, and admonish them, that they trespasse not against the Lord, that wrath come not vpon you and vpon your brethren. And behold *Amariah* the high Priest, shall be the chiefe ouer you in all matters of the Lord. 8.
 9.
 10.
 11.

12. From which words, we collect thus much, concerning the Kings Iurisdiction, and the things wherein it consisteth. First the King appointeth and placeth both Temporall and

Answer to
the first part
of reports, c. 9.

clesiasticall Iudges, and commandeth and chargeth them so placed, to execute their functions faithfully, we inferre vpon this command in both alike, that hee hath Iurisdiction ouer both causes. But here let me remember a trifling obiection, which some of our aduersaries haue deuised of late, they would distinguish betweene command and Iurisdiction: For they deny not but that all sortes of persons are vnder the Kings commaund and gouernment: whom he may command, each to doe their Office, and yet they vtterly deny the Kings Iurisdiction: and tell vs that command and Iurisdiction must not be hudled vp together. Now let vs consider what hudling is in this, when the Kings command and his Iurisdiction are set as things depending and cohæring one to the other. When we say the King may command, we meane plainly as we speake, that the King hath from God lawfull authoritie to command, and to punish them that breake his command: This is the common vnderstanding of the Kings command, But these Romish sophisters when they say the King may command, do not vnderstand, neither will they acknowledge at any hand, that the King hath lawfull authoritie from God, to punish the breach of his command: for they vtterly deny that the King hath any authoritie to punish a Clarke, though he should breake his commandement. And call you this a command? The King may command and goe without, as the saying is. This is the deuils sophistry, taken vp by men hardned against shame, content to stoupe downe to gather vp the meanest and basest shifts to dazell the simple. The Iesuities resolute of this, as of a truth most soundly concluded in their schooles: That the King may not punish Ecclesiasticall persons: that the Kings Court may not heare, examine and iudge them, though they should commit murders, adulteries, robberies, or what other wickednesse soeuer. And yet they tell vs, that the King may command them. Now to say one thing, and yet to let the world see, that they are resolute in the contrary: this fauoreth strongly of the spirit of illusion, when reason, learning, honestie and all faileth, yet well fare a bold and hardned face, which neuer faileth this generation.

13. The truth is, if the King haue not lawfull authority to punish

punish, he hath not lawfull authoritie to command, and punish he cannot vnlesse he hath authority to iudge, or cause iudgement to be done; so that they who take away from the King power to iudge persons Ecclesiasticall, take from him power to punish, and consequently power to command: but the Doctrine of the Papists this day, (as shall hereafter appeare in his due place) taketh from the king power to iudge persons Ecclesiasticall, therefore, they rob him of power to punish, and to commaund; for nothing can more strongly take away the Kings command, then to deny him power to punish and to iudge. And yet they are not ashamed to tell vs, that they deny not the kings cōmand, but his Iurisdiction. Then to leaue these men with their absurd and perplexed contradictions: where the King may command, he may iudge and punish the breach of that command, and therefore his Iurisdiction appeareth in his lawfull authority and command. Then by this charge and commaund of *Iehosaphat*, is declared his Iurisdiction in these causes, wherein he hath this authority to command: for otherwise the Kings command is but as the word of a priuat man, or of a child, if he haue not power to iudge and punish.

14. Moreouer wheras *Iehosaphat* commandeth the Priests and Leuites to iudge betweene blood and blood, Law and precepts, statutes and iudgements: In things that concerned questions of blood, as when blood was shed by casualltie, in which case the party offending, had remedy by sanctuary, and the high Priest was the immediat iudge; as also in matters concerning lawes, precepts, statutes, iudgements, that is ordinances, ceremoniall or morall: In these things stood the Ecclesiasticall Iurisdiction which then was practised in the Church, for to take that distinction which we must often remember in this question, it is confessed that all Ecclesiasticall power is either of order or Iurisdiction. In both which the King hath a part, but differently: In the power of orders, the Kings part and office, was to see that things of that nature were orderly done, and the breach thereof punished, but himselve was not to execute any thing, wherunto the Priests were appointed, by the power of their orders, as to offer incense, &c. Wherefore

2. Chron. 26.

Uzziah was smitten with leprosie for meddling with that part of the Priests office. Now Iurisdiction is diuided into power internall, which as often wee haue said, belongeth not to the King; and power externall: which power externall when it is coactive, is nothing but that which wee call the Kings Iurisdiction, though it be in matters Ecclesiasticall. And this Iurisdiction is here testified to be in *Iehosaphat*, and from him deriued to all, to all iudges vnder him, both Temporall and Ecclesiasticall. For as he commaunded the Temporall iudges, so in like sort he commaunded the Ecclesiasticall. And as the Ecclesiasticall iudges might replie (if they had bene such as now these are of the Romane Clergie) that Ecclesiasticall iudgements were holy and the cause of God, and not of the King: so doth the King witnesse of Temporall iudgements, for speaking to Temporall iudges, he saith: you execute not the iudgements of man, but of the Lord. Then Temporall iudgements are the Lords cause aswell as Ecclesiasticall, and herein they differ not.

I.

15. Now this Iurisdiction which is in coactive power wee prooue to be in the King, and onely in the King. (I speake according to the forme of the state of Israel in those dayes whereof we now speake, answerable to which is the Soueraigne magistrate in any other state.) This right I say, we prooue to bee onely in the King, and from him deriued to other iudges both Temporall and Spirituall, by these reasons: first the King, and onely the King commaundeth both iudges to doe their duties in their seuerall places, and hath lawfull power to punish them if they doe otherwise: therefore the Kings Iurisdiction coactive is ouer both sorts alike. The antecedent hath two parts, the first drawn from the expresse words of the Scripture in this text: the second followeth by a necessitie. For the commaund of a King is ridiculous, and no commaund vnlesse he haue authoritie to punish. The consequence followeth by the very definition of Iurisdiction, which will prooue the second part of the antecedent. For this Iurisdiction for which we plead, is defined by the most learned of the Church of Rome, authority coactive. If it be authoritie, it may command; if coactive it may punish: then it followeth, that where *Iehosaphat* had first au-

thoritie.

thoritie to commaund and last to punish, that questionlesse hee had this Soueraigne Iurisdiction.

16. If against this any object; that the King may commaund in matters of orders, of preaching the Word, administering the Sacraments, &c. In all these things the King may lawfully command the parties to doe their duties, and may punish them if they doe otherwise: and yet no man will put the Kings Iurisdiction in these matters of orders, Preaching, Sacraments, &c. For answer, let me intreat the reader with attention to consider these three things: First to commaund, secondly to execute; thirdly to punish. Iurisdiction standeth wholly in the first and last, and nothing at all in the second: that is, in authoritie and not in action. So that though the King should execute a thing which belongeth to his office, yet in the execution thereof, his Iurisdiction should not appeare, howsoever his wisdom, knowledge, and active vertues might appeare therein: for Iurisdiction is in the authoritie of commaunding, and power of punishing, and supereminence that riseth from both. And therefore in the preaching of the Word, administration of Sacraments, the King hath no part; because therein Iurisdiction standeth not: these things being matters of execution not of commaund: but the authoritie to commaund these things, by making or vrging lawes for them: and to punish the transgression by corporall punishments; this because it includeth coactive power, is in the Soueraigne Magistrate onely. If the Magistrate should either neglect his dutie, as the heathen did; or commaund false doctrines to be preached, as the Arian Emperours did: in this case the Church hath warrant to maintaine the truth, but without tumults and rebellion, and rather in patience to loose their liues then to forgo any part of the truth.

17. Another reason to prooue this Soueraigne authoritie coactive to be only in the King, and from him respectively deriued to both sorts of iudges, may thus bee drawn. For the iudges Temporall, there is not so much question made: all the doubt is of iudges Ecclesiasticall, the chiefe of which iudges Ecclesiasticall in the Church of Israel, was the high Priest. Then this Iurisdiction whereof we speake must be confessed to haue

been principally and originally, either in the king or in the high Priest: but in the high Priest it was not, Therefore in the King it must be. That it was not in the high Priest, we proue by these reasons. The high Priest is commaunded, corrected, punished and deposed by the King, and not the King by the Priest: therefore the Soueraigne Iurisdiction is not in the high Priest, but in the King. Againe, the high Priests did neuer practise coactiue authoritie, vnlesse when they were Soueraigne Magistrates, as sometimes the high Priests in Israel were, but as high Priests they had no such power: for the causes betweene blood and blood, which were of their cognisance, are by the interpreters vnderdood such cases, wherein a man was killed by chaunce, without the purpose, or against the will of the offender: in which case the high Priest might graunt him the priuiledge of sanctuary: and so deliuer him from the auenger of blood: but he had no power coactiue to inflict death, or such punishments at his pleasure: which trueth was so constantly receiued and preferred in the Church afterward, that euen in the greatest power & highest ruffe of Poperie, the Church of Rome did not take this full coactiue power, but onely proceeded to degradation, and then to deliuer men vp to the secular powers: which was a secret confession that they had no right to this power coactiue, though they had vsurped many parts thereof.

3. 18. A third reason to prooue this authoritie to bee in the Ciuill Magistrate, is as I taught before, confirmed by the right of Appellations. For in matters of coactiue Iurisdiction, a man might appeale from the high Priest to the King, as Saint *Paul* did to *Cæsar*: which was vtterly vnlawfull for him to doe, vnlesse he might as lawfully haue appealed to a King, if that state of Israel had then beene ruled by a King, as at other times it was. For that right which Saint *Paul* giueth to *Nero*, to heare Appellations, he would vndoubtedly yeeld to *Dauid*, or *Ezekias*, or any other godly King in his owne Dominions. Wherefore it followeth, that either Saint *Paul* must be condemned for yeelding an vnlawful power to Emperors: or Kings must haue the same priuiledge: which thing being admitted in matters Ecclesiasticall, doth inuincibly prooue the Kings Iurisdiction
in

in such matters. The same thing is also confirmed from those words of the Apostle, he is the minister of God : and, he beareth the sword. If the Magistrate be the minister of God ; then he hath full authoritie and Iurisdiction from God, whose minister and vicegerent he is : if he beare the sword, hee hath all power coactiue : for coactiue power doth alwayes follow the sword, which God hath giuen to the Ciuill Magistrate to beare. Therefore *Ioh. Chrysostom* saith, *Regi corpora commissa sunt, sacerdoti anima, rex maculas corporum remittit, sacerdos maculas peccatorum : ille cogit, hic exhortatur : ille habet arma sensibilia, hic arma spiritualia.* *Hom. 4. de verb. Esa. vidi dom.* Then the true difference betweene the Magistrate and the Priest, concerning this point, is ; *Ille cogit, hic exhortatur* : so that coactiue power is left wholly to the Magistrate. *Ambrose* likewise speaking of the authoritie of the Church, and of Bishops, saith : *Coactus repugnare non noui, arma enim nostra preces sunt & lachrymae. orat. in Auxent.* where he declareth the difference betweene these two powers, leauing nothing to the Church, but *preces & lachrymas*, wherein there is no coaction. In which sense *Thomas Aquinas* saith : *vindicta qua fit autoritate publica potestatis, secundum sententiam iudicis, pertinet ad iusticiam commutatiuam. 2. 2. q. 8. art 1.* Therefore vindicative power or coaction belongeth not to the Church, but the Magistrate that exerciseth commutative iustice.

19. In regard of which high power Princes are called Gods. I haue said you are Gods. And because an aduersarie of late hath told vs, that this name is giuen aswell to Ecclesiasticall gouernours as to Kings : we reply, that it cannot be shewed that this name is giuen to Ecclesiasticall gouernours, but either where such gouernours haue receiued authoritie from the Ciuill Magistrate, or where themselues are the chiefe Magistrates : so that it is a name giuen in respect of Soueraigne power. For to manifest the Soueraigne eminency of the Prince, compare the Prince and Priest together, and by this comparison wee shall euidently know the truth : for we find the Prince called a God, not onely in respect of the people, but in respect of the Priest also. Where the Lord himselfe speaketh to *Moses* of *Aaron* com-

4.

Rom. 13. 4.

Psal. 82.

Mat. Tortus Papiensis.

Exod. 4. 16.

Moses Legislator
& interpreter
Dei.

comparing their power and offices together, he saith thus : [He shall be thy spokesiman vnto the people, and he shall be as thy mouth, and thou shalt be to him in stead of God.] In this comparing of these two great offices, *Moses* is the directour; *Aaron* the interpretour and preacher. Where the Prince or Soueraign Magistrate is called a God, not onely in respect of the people, as in diuers other Scriptures : but in respect of the Priest, thou shalt be to him, euen to *Aaron*, as a God. We find then that the Prince is called a God in respect of the Priest, but we can neuer find that the Priest is called a God in respect of the Prince. This declareth a Soueraigne authoritie of the Prince in matters of God, and of Gods true Religion. For he who by his office is to establish true Religion in his dominions, doth heerein represent a liuely ex^mple, both of the goodnesse and power of God : and therefore Magistrates are called Gods, as being Gods Vicegerents for establishing of true Religion.

Iob. 10. 35.

20. And this our Sauour Christ confirmeth, for whereas *Psal.* 82. They are called Gods, I haue said you are Gods; Our Lord expoundeth that place, declaring in what sense they are so called. For he saith: [If he called them Gods, vnto whom the word of God was giuen, and the Scripture cannot be broken, &c.] Then the Magistrates who are here called Gods, are such to whom the word of God is giuen. For further declaration of the truth, let this question be demaunded : to whom is the word of God principally giuen? to whose Soueraigne custodie is the word of God committed? The words of our Sauour Christ containe an aunswere, to the Ciuill Magistrate. For it is certaine that all that *Psalm* whence Christ taketh those words, is wholly and intirely vnderstood of the Ciuill Magistrates, and not of Priests or Ecclesiasticall gouernours. Why then? and is not the word of God giuen to Ecclesiasticall gouernours as well as to Kings? Yes verily, but diuersly : for to Ecclesiasticall gouernours the knowledge of the word is giuen to publish by preaching. [For the Priests lippes shall preserve knowledge, and they shall seeke the law at his mouth; for hee is the messenger of the Lord of hostes.] Then if the question be asked, to whom is the word giuen by the way of knowledge

Malach 2. 7.

to preach and publish it? The answer is, to the Priest: but Christ speaketh not here of that manner of giuing the word, but he toucheth that Commission which is giuen to Magistrates. For to Magistrates it is not giuen by way of especiall knowledge to preach it; but by way of an especiall commiſſion, to keepe it, to establish it by authoritie, to command obedience vnto it, and to punish the violatours of it. This is the authority of a Christian Prince, for he hath called them Gods to whom the word was giuen: Whom hath hee called Gods? Ciuill Princes: for of such, onely of such, that Psalme speaketh. Why are they called Gods? Because they are Gods vicegerents by their authority to establish Gods word. Therefore they are acknowledged to bee *custodes vtriusque tabulae*, for which cause it was an ancient ceremony in the Church of Israel, that at the Kings Coronation the Booke of God should be giuen into the hand of the King, as we read in the Coronation of *Ioash*: Which thing is confirmed by a commaundement in the Law, why was this thing so solemnly commanded? so religiously preached? but to shew that God hath committed the care of Religion principally to the King, that by the utmost of his power and authority, it might be established in his Dominions.

2. Reg. 11. 12.

Deut. 17. 18.

21. This doth proue that *Moses* was a Prince and not a Priest, and *Aaron* a Priest but not a Prince: because *Moses* is called *Aarons* God, but *Aaron* is not called *Moses* his God, but his mouth. Which thing though it bee so euident, as that it seemeth to be the vndertaking of an idle and vn-necessary discourse to proue it: yet because many bookes are of late filled with this conceit, that *Moses* was a Priest, which thing is taken as an especiall ground to build vp the Popes temporall Monarchie: Let vs in a few wordes refute this fancy. *Franciscus Bozins* who vndertaketh to proue this, taketh a foundation so ruinous and fallacious, that it is no maruell if his whole building be answerable, for he concludeth that *Moses* was a Priest properly so called because, *Psal. 99.* it is written, *Moses* and *Aaron* among his Priests, and *Samuel* among such as call vpon his name. The answer is easie and vulgarly knowne, for *Coha-*

Pſalm. 99. 6.

So 2. *Sam.* 20.
26. Where
Tharg. hath a
Prince, or
mighty.

Num. 33. 39.

Deut. 34. 7.

nim (which word is there vsed) signifieth both Priests and Ciuill gouernors. It is vsed for Ciuill gouernors which stand in some honourable place. 2. *Sam.* 8. 18. where the sonnes of *Dauid* are called כהן *which* cannot be translated Priests, as the Latin vulgar hath it. Though this word כהן sometimes be take, for a Priest, yet it is certaine that *Dauids* sonnes were not Priests, but chiefe rulers about the King, as it is expounded 1. *Chron.* 18. 17. Then we answere that no prooue can bee drawne from this word כהן to proue *Moses* a Priest, because the word is ambiguous, applyed both to Priests and to Ciuill gouernours. And therefore the word is fitly applied to *Moses* and *Aaron*, comprising both their Offices in one short word. But that *Moses* was no Priest, we prooue thus. If he were a Priest, it must be either before that *Aaron* and his successors were assumed to that Office, or after. Before the law assumed *Aaron* and his sonnes to be Priests *Moses* could not bee Priest, because the Priesthood was annexed to the birth-right. But *Moses* was not the first borne of *Amram*, but *Aaron* was the eldest, for we read *Num.* 33. *Aaron* was one hundred twentie three yeares old when he died. But *Moses* out liuing *Aaron* was but one hundred twenty yeares old when he dyed. *Deut.* 34. Therefore *Aaron* was questionlesse the elder brother. If any object that the birth-right was sometimes taken from the eldest by an especiall appointment of God, as appeareth in *Sem* and *Iacob*; I answere, this cannot help in this point, for *Aaron* was so farre from loosing this priuiledge of his birth-right, by any appointment of God, that he had the Priesthood famously confirmed to him and to his posterity. So that neither by the law of nature, nor by any precept of God, can *Aaron* be said to loose any priuiledge that belonged to the Priesthood. Then before the institution of the Leuiticall Priesthood, *Moses* could not be Priest. After the institution thereof, the Priesthood was so appropriated to *Aarons* house, that none could be Priests but *Aaron* and his sonnes onely. Therefore it was not possible that *Moses* could be a Priest at all, either before the consecration of *Aaron*, or after.

22 Another reason may be drawn from those places, which declare

declare that *Iosua* was appointed by God to succcede *Moses*, and to gouerne as he did. In all which places it appeareth, that *Iosua* succceeded *Moses* in his place and function, and was that in Israel, in his time, which *Moses* was before him. But it is certaine that *Iosua* was no Priest: therefore as certaine that *Moses* was no Priest. For *Iosua* was the full and entire successour of *Moses*. The same appeareth by the whole course of *Moses* his gouernment. Who commandeth as a Prince, is obeyed as a Prince, both by the Priests and people. By which command in matters temporall and ecclesiasticall: if they suppose that a Priesthood is proued: by the same reason all the Kings of Israel may as well be concluded to haue been Priests. For they commaunded in all such things as *Moses* did. Some obiekt that *Moses* sacrificed, *Exod. 24*. But this obiection is friuolous. For the words of the Scripture are against it. It is expressly said, that *Moses* sent young men to sacrifice: these were the first borne of the 12 Tribes. For this was before the institution of the Leuiticall Priesthood. If any obiekt that *Moses* did something which might seeme to belong to the office of a Priest: I answer, so did the Kings of Israell some things which might seeme to belong to the office of a Priest. For *Iosias*, when all the people were gathered together, read in their eares all the words of the booke of the couenant. Which thing might seeme to belong to the Priests office. So true is that principle of our common Law, founded vpon the profound principles of diuinitie and good gouernment: *Res: est persona mixta*; because he hath both temporall and ecclesiasticall iurisdiction.

23 And thus haue wee declared the Kings right vnder the Law; from the precept of the Law, & practise of godly Kings. Thus did *Ezekiah*, thus did *Iosiah*, and others: and in so doing, they vsurped no vnlawfull power, but stood faithfull in the execution of that lawfull right, which GOD committed to them. From this commission they may not turne either to the right hand, or to the left. For as it was a great sinne in *Vzziah* on the one side, to vsurpe the Priests office: so should it be a great sinne on the other side, for a King to neglect any part of a Kings office. From all which, wee collect the power of a Prince in

Num. 27. 17. 18
Deut. 31. 14.
Ios. 1. 17.

Exod. 24. 5.

2. Reg. 23. 2.

2. Chron. 26.

matters ecclesiasticall to stand in these things. He is to establish all ecclesiasticall Lawes, for which no power is sufficient without his. Neither is it reason that they should establish Lawes, in whom there is no power to defend and maintaine the Maie-
 stie of those Lawes so made. He is to punish all transgressours of those Lawes, hee is to appoint ecclesiasticall Ministers their places, to be Iudges in matters of ecclesiasticall Lawes: and if they offend, to punish them, hee may place and displace according to their merits: So *Salomon* displaced *Abiathar*, & made *Zadock* high Priest in his roome. But because of late, suborned *Mat. Tortus* speaking of this example, saith, that *Salomon* did displace the high Priest as he was a Prophet, not as hee was a King: let vs by the way open the vanity of this shift. The fault that *Abiathar* had committed was worthy of death, as *Salomon* saith: [Thou art worthy of death.] But yet hee shewed him mercy, because hee had borne the Arke of the Lord before his Father *David*, and had suffered in all things wherein *David* was afflicted. So that the thing which *Salomon* did to *Abiathar*, he did as Iudge of life and death. To be a Iudge of life & death, was not the office of a Prophet, but of the King: therefore *Salomon* did it not as a Prophet, but as a King. Againe, the Prophets office was extraordinary, but this thing is so far from an extraordinary example, that wee see rather that *Salomon* doth mitigate the ordinary punishment of that crime which *Abiathar* had committed. Moreouer, to punish or to release the punishment of treason, belongeth not to the office of a Prophet, but of the King: but *Salomon* in this action punishing the treason of *Abiathar*, releaseth some part of it. All which proue the distorted shift of *Tortus*, to be so vaine and shamelesse, that the blushing Hat of a Cardinall, is not broad enough to couer the shame. In these things, and in supream appellation, standeth Ecclesiasticall iurisdiction, which by diuine right was placed in these Kings, and by them practised.

1. Reg. 2. 26.

C H A P. IIII.

Externall Coactiue Iurisdiction was not left by Christ to his Church, nor practised by the Church all that while, that the Church was without Christian Magistrates: wherein is declared the Iurisdiction of the Church, and of Bishops, that the power of excommunication proceeded not to Coaction.

Now let vs make search in the Church of Christians, wherein we will consider first the state of the Church, after it was called by Christ and his Apostles, and gouerned by the Fathers for the space of the first three hundred yeeres: in all which time no Christian was the Soueraigne Magistrate. In this time it will be to good purpose to search the Iurisdiction of the Church, for this is the time wherein it will most cleerely appeare. And Christ that appointeth all times & states for his Church, appointed that all this time she should be without Princes for her nourcing Fathers: that by wanting it so long, we might vnderstand the greatnesse of this blessing. But when the Church of Rome grew insolent by abusing this blessing, taking the right of Princes from them, and thereby removing the ancient bounds of the Ordinances which God had set of old, then it was not to bee marueiled, that such iudgements followed of blindnesse and ignorance among the people, of confusion and contempt vpon Princes and Kings: which iudgements haue beene so famously apparant in the sight of the world. But let vs proceed to the examination of the Churches Iurisdiction; for if we consider what Iurisdiction Iesus Christ left to his Church, it will consequently appeare what Iurisdiction is in Ciuill Princes: for all that Christ gaue not to his Church, remaineth with Princes.

2. The places from which they would prooue Iurisdiction, are these: *Mat. 18.* [Whatsoever you shall binde on earth,

Mat. 18. 18.

Joh. 20. 23.

shall be bound in heauen.] And, [whoso euers sinnes you retaine shall be retained.] Now these places make no prooffe of this Iurisdiction which is in question. For all Popish writers that I could see vpon this question, acknowledge these Scriptures not to be meant of externall Iurisdiction coactiue, which is our question, but of the inward power of remitting of sinnes, practised within the court of conscience by the power of Gods spirit, and declared by the Priest, and ordinarily practised in excommunication, or otherwise. The greater condemnation deserueth that Catholike Diuine, who to disprooue the Iurisdiction of Princes, and to proue the Popes pretended Iurisdiction bringeth these places of Scripture which speake of neither.

Answer to the
first part of Re-
ports.

Mat. 16. 18.

Joh. 20. 15.

Other places they cite, as that : [Thou art *Peter*, and vpon this rocke will I build my Church : and I will giue to thee the keyes of the kingdome of heauen.] And, [*Simon* louest thou mee? feede my Lambes, &c.] These and such like places they bring to proue the Popes Iurisdiction. All of this sort are thoroughly handled with exact iudgement and learning, in that worthy conference written by Doctor *Raynolds* of blessed memory : which booke as a gantlet of one of the worthies of our Church hath lien long betweene vs, and the host of the Philistims : and none of our aduersaries hath had the courage to take it vp and to aunswere it.

3. It is sufficient for vs to pleade, that none of the auncient Fathers did euer expound these Scriptures thus ; or did euer dreame of such senses, as they haue found of late out of their owne decretall Epistles. It is sufficient that some of their owne best learned writers, yea some of their most learned Popes, before they were Popes; haue with such learning and iudgement refuted their new deuised expositions of these Scriptures, as that from themselues and out of their owne inouthes, God hath drawen testimonies to ouerthrow these carnall and absurd expositions of Scriptures. *John Gerson* saith, that these texts thus by the Popes flatterers applied to prooue his Iurisdiction, are vnderstood by them : *Grossé & non secundum regulam Euangelicam*. And *Enneas Silvius*, hath with great life and learning ouerthrowen these grosse and corrupt expositions : of whom we

shall

Serm. pro viaggio
regis Rom. di-
rec. 1.
Lib. de gestis
basil. consil.

shall speake hereafter in due place , where it will fully appeare that these expositions of Scripture are by the learned, free, and iudicious men of that side, acknowledged to bee inuented by flatterers, as the same Pope *Pius* the second , witnesseth : to be new and straunge, and to be vrged by miserable and wretched soules, which will not vnderstand that these challenges of their Iurisdiction , are nothing but either the words of the Popes themselues; that would enlarge their fringes without measure: or of their flatterers who being blinded by ambition, and caried with the winde of vaine glory, doe flatter the Popes in hope of reward. Though now those flatterers haue gotten the vpper hand in the Councell of Trent; and haue vsurped the name of the Church, who before were alwayes esteemed a base company, standing for the Popes Iurisdiction against the graue and learned men of that Church.

4. Then for the places of Scripture which they bring for this Iurisdiction, we say with their owne best learned men, that they are (in that sence wherein they vse them) new deuises drawn of late by strange and absurd contortions into this new flattering sence , by the Popes flatterers , against the auncient expositions of the Fathers and Doctors of the Church. Concerning the Iurisdiction which Christ left to his Church, let all the Scriptures be searched, and there will nothing be found of externall Iurisdiction consisting in power coactiue : but all that Christ left was partly, yea principally, inward and spirituall power, partly externall for establishing doctrines of faith and good order in the Church, by Councils, determinations, iudicature, spirituall censures, excommunication : deposing and dispatching of the disobedient, so farre as the Church could proceede without coactiue power. For by this spirituall power without coaction, the Church was called, faith was planted, diuils were subdued, the nations were taken out of the power of darkenesse, the world was reduced to the obedience of Christ; by this power the Church was gouerned for three hundred yeeres together without any coactiue Iurisdiction. But what coactiue power may worke in the Church without this, we haue a lamentable experience in the present court of Rome, falling

falling away from the truth, and from the comfort of the spirit, and therefore from the true use of the power of the spirit of God: when the Popes being destitute of this power of the spirit, tooke upon them power aboue the Ciuill Magistrate, practising wholly coactive power which they called Spirituall, when they had forsaken the power of the spirit and reiected it from them.

5. The Jurisdiction which the Apostles practised was partly from the commission of Christ, spirituall: partly from the law of Nature, and from the example of that government which was established in the Church of the Iewes. The things which belonged to Apostolicall Jurisdiction, either concerned the government of the ministry, or of the whole Church. Touching the government of the ministry, these things belonged to the Apostles so long as they liued, and afterward to Bishops their successors. First a power to ordaine ministers, Thus did *Paul* and *Barnabas* when they called Churches through *Lycania*, *Pisidia*, and *Pamphylia*: [They ordained Elders in euery Church.] Elders, that is, Pastors, Preachers to preserue the Doctrine continually which the Apostles had once planted. And this charge to ordaine Elders or Priests, did the Apostles leaue also to them that succeeded in the government of the Church. This commission Saint *Paul* gaue to *Titus*. [For this cause I left thee in Crete, that thou shouldest continue to redresse the things that remaine, and ordaine Elders in euery city, as I appointed thee:] which ordaining signifieth also institution in the place or cure they ministred in.

6. The Apostles had also in themselves, and left to their successors, power and Jurisdiction to command those Pastors which thus they had ordained, to preach the truth without mixture of false doctrines. This power as Saint *Paul* had in himselfe, so he left the same to *Timothie*, and consequently to others. [As I besought thee to abide still in *Ephesus*, when I departed to *Macedonia*, so doe, that thou maist command some that they teach no other doctrine.] These were the principall parts of Jurisdiction which the Apostles left to their successors, to continue in the Church for euer. For the end and use

1.

*Act. 14. 23.**Titus 1. 5.*

2.

1. Tim. 1. 3.

vſe of this gouernment is perpetuall, as to ordaine Preachers, and to ſee that they ſo ordained, ſhould teach the truth without hereſie. It followeth certainly, that ſuch gouernours as the Apoſtles themſelues ordained in the Church for theſe perpetuall vſes, are to remaine perpetuall gouernours in the Church. Thus was the gouernement of Biſhops placed by the Apoſtles, to ſtand and continue till the end of the world, becauſe the Apoſtles placed ſuch for the ordination of miniſters, and the preſeruation of true Doctrines. For they who aunſwere that theſe offices and places wherein the Apoſtles placed *Timothie* and *Titus*, were either extraordinarie, or to indure for a ſhort time, do not conſider the end and vſe of theſe places: which end and vſe is neither extraordinary nor temporary, but ordinary and perpetuall. For miniſters muſt be ordained, & commanded to preſerue the truth without hereſie, as long as the Church ſtandeth. Then the neceſſitie and vſe of the ends, will prooue the like neceſſitie and vſe of theſe gouernours, which by the Apoſtles were placed for theſe ends.

7. Another part of this Jurisdiction, and depending vpon the laſt, was that which the Apoſtle leaueth in commiſſion to *Titus*, ἐπιτομίζειν, to ſtoppe their mouthes. For which cauſe the Angell of the Church of Thyatira is reprooued by Chriſt, becauſe he ſuffered a falſe Prophetesse to teach, and to deceiue the people, and to make them commit fornication, and to eate meat ſacrificed to idols. If *Titus* be commaunded to put ſome to ſilence, and the other reprooued for ſuffering a falſe teacher to teach; then the gouernours of the Church haue authoritie and Jurisdiction in theſe things: but how farre it is extended, we ſhall conſider hereafter. But becauſe it may be queſtioned whether ἐπιτομίζειν be to ſilence miniſters, or to conuince them by argument. To this wee aunſwere, that albeit wee denie not conuiction by reaſon to be alſo included in the word, yet there is a further meaning of iudiciall proceeding by authoritie heere vnderſtood; which thing will appeare by conference of this and other places. For Saint *Paul* hauing firſt declared that he left *Titus* at Crete to ordaine Elders, deſcribeth what manner of men they muſt be that are ſo to be ordained. For a Bi-

Tit. i. 17.
Apoc. 2. 20.

Tit. i. 5.

7.

10. shop must be vnreprouable, &c. Then he declareth that many be otherwise: for there are many disobedient and vaine talkers, and deceiuers, &c. If the question be demaunded, what shall be done to these deceiuers? the wordes immediatly following
11. containe an aunswere: whose mouthes must be stopped. So that the sense of these words is the same with that which hee saith to *Timothie*, charging him; to command some that they teach no other Doctrine. Then the word containeth not only conuiction by argument, but Iurisdiction also. For conuiction by argument onely would not haue serued to suppress the false Prophetesse of Thyatira. And if a minister be accused of heresie, or such like, he was to be iudged by such as were set in chiefe authoritie in the Clergie. For that there was a consistory and iudiciall proceedings set vp, it is euident; and no lesse euident that the Bishop was iudge. [Against an Elder (saith S. *Paul* to *Timothie*) receiue none accusation, but vnder two or three witnesses.] Now he that is appointed to heare accusations, to receiue the testimonies of witnesses, is placed in a place of iudgement with Iurisdiction: and therefore hath authoritie not onely to conuince by argument, but also to proceed iudicially against false teachers, and to put them to silence.

1. *Tim.* 5. 19.

8. Thus farre was Iurisdiction practised ouer ministers, the things which follow touched the whole Church. Another
4. part of Iurisdiction practised by the Apostles, touching the Church in generall; was to call Councils for the determination of such controuersies, as were raised vp by them that troubled the doctrines of the truth, and peace of the Church. Such was the Councell gathered by the Apostles, *Acts* 15. Consisting of Apostles and Elders, that is, of persons Ecclesiasticall, wherein sentence proceeded after good deliberation and great disputation. This is the greatest power or Iurisdiction of the Church: because the whole or many chiefe parts together, is greater then any one part.

Acts 15. 6.

7.

5. Further concerning the extension of this Iurisdiction, it cannot be denied but that there is a power in the Church, not onely internall, but also of externall Iurisdiction: of internall power there is no question made. Externall Iurisdiction being vn-

derstood

derstood all that is practised in externall Courts or consistories, is either definitiue, or mulctatiue. Authority definitiue in matters of faith and religion, belongeth to the Church. Mulctatiue power may be vnderstood, either as it is referred to spirituall censures, or as it is with coaction; as it standeth in spirituall censures, it is the right of the Church, and was practised by the Church, when the Church was without a Christian Magistrate, and since. But coactiue Iurisdiction was neuer practised by the Church, when the Church was without Christian Magistrates: but was alwayes vnderstoode to belong to the ciuill Magistrate, whether he were Christian or heathen. We denie not but that the Apostles did sometimes take vengeance vpon the disobedient, but that was not by the materiall sword (in the power whereof we place coaction) but by the spirituall sword, which alwayes shewed it selfe in their Ministry, sometimes in an extraordinary manner, as in the striking of *Ananias* and *Sapphira* with present death: in the striking of *Elmas* the Sorcerer with blindness, and such like. These were signes of extraordinary power, but wee seeke heere the ordinary Iurisdiction of the Apostles, which they left to their successors.

10 Vpon these grounds ioyned with the assured knowledge of the History of those times, the auncient Fathers deliuer it as a truth neuer questioned, nor doubted, that in the gouernment of the Church, the Bishops are the vndoubted successors of the Apostles. *Irenaeus* speaking of heretikes, saith: *Omnes his posteriores sunt episcopis, quibus apostoli tradiderunt ecclesias.* If Bishops were before any heretikes, they were questionlesse in the Apostles time, and by the Apostles instituted, because some heretikes were euen in the Apostles time. *Irenaeus* saith also: *Habemus annumerare eos, qui ab Apostolis instituti sunt episcopi in Ecclesiis.* And a little after: *Quibus etiam ipsas Ecclesias committebant.* And againe in the same place: *Quos & successo es reliquerunt, suum ipsorum locum magisterij tradentes.* *Cyprian* saith, *Potestas peccatorum remittendorum Apostolis data est, & Ecclesiis, quas illi à Christo missi constituerunt et episcopis qui eis ordinatione vicaria successerunt.* The same hee hath also *Epist. 69.* *Hierome* saith, *Potentia diuitiarum & paupertatis humilitas vel*

Acts. 5.

Lib. 5.

Lib. 2. cap. 3.

Cyprian. Epist. 75.

Epist. ad Euegrum.

sublimiorem vel inferiorem Episcopum non facit. Ceterum omnes Apostolorum successores sunt. It were hard to kicke against all these pricks. Against so euident grounds of Scripture, so expresse testimonies of Fathers, to deuise a new gouernment of the Church. Leauing the auncient and knowne gouernment, which hath the testimonie of those that liued in the first age, and heard and sawe those that were endued with miraculous gifts: (as *Irenaeus* testifieth of himselfe, that hee heard those which spake by the spirit in all languages, and sawe them who often raised the dead to life againe.) Leauing, I say, the testimonie of these, whose name and authority is so reuerend in the Church, and struiuing for a gouernment which came but of late to the knowledge of men; seemeth to proceede from afflictions too much blinded with the loue of innoation.

II But though this be true, that Bishops in the gouernment of the Church succede the Apostles, yet we are cautelously to distinguish betweene the things, wherein they succede the Apostles: and those things which since the Apostles times haue beene added to their gouernment by godly Printees. For the preseruatiō of true doctrine in the Church, the Bishops are the great watch-men. Herein they are authorized by God. If Princes withstand them in these things, they haue warrant not to obey Princes; because with these things Christ hath put them in trust. Therefore *S. Paul* saith not, that it is the Kings office, but the Bishops, to commaund that they teach no other doctrine. Vpon which ground *S. Ambrose*, was bolde to withstand *Valentinian* Emperour. For *Ambrose*, as the watch-man of the Church of Millaine, would not suffer *Auxentius* an Arian Bishop, to haue any place to teach in his Diocesse. *Auxentius* complained to the Emperour, as the contention grew thus betweene them, the one like a vigilant watch-man, seeking to remoue all dangers from his flocke, the other like a Wolfe seeking to spoile: at the earnest entreaty of *Auxentius* the Emperour, willed that the cause betweene these two might be heard in the Ecclesiasticall consistorie, and that the Emperour might sit as Iudge in the cause. This thing *Ambrose* vtterly denied: and of this hee writeth thus to the Emperour. *Quando audisti clemens-*

Lib. 5.

Lib. 2. ca. 57.

1. Tim. 1. 3.

Ambrose lib. 4. Epist. 32.

Idem ibid.

clementissime imperator, in causa fidei, Laicos de Episcopo iudicasse?
 And againe: *Si vel Scripturarum seriem diuinarum, vel cetera
 tempora retrahemus, quis est qui abnuat in causa fidei, in causa
 inquam fidei, Episcopos solere de imperatoribus Christianis, non im-
 peratores de Episcopo iudicare?* And in another place: *Volens
 nanquamius deferam, coactus repugnare non noui; arma enim no-
 stra preces sunt & lachryma.* This example of *Ambrose* his cou-
 rage, is worthily commended by all posterity, wherein this
 worthy man seemeth to direct a true rule of obedience. For
Iustina the Emperours mother, seeing she could not draw *Am-
 brose* to fauour the Arians, purposed to put him from the go-
 uernment of the Church. Which thing would haue beene ef-
 fected, if he had not refused to appeare in the Court, where the
 Emperour was to sit as Iudge. There appeared in him courage,
 godlinesse, and exact obedience, all truly tempered. He deni-
 eth the Emperour to be a sufficient Iudge in a cause of faith and
 religion. *In causa fidei, in causa inquam fidei.* For this hee re-
 peateth precisely, desirous to be rightly vnderstood: he would
 rather die then admit such an example as to betray the trueth,
 and that commission and charge wherein GOD had set him.
 And yet if the Emperour would by force doe any thing, he de-
 nieth that there is any power in him, or in the Church to resist
 by force. The faith and right of the Church, was not, in his
 iudgement, to be maintained by force and armes, but by pray-
 ers and teares. Thus resolute is this godly man in the cause of
 faith against the Emperour: but in other causes he claimeth no
 priuiledge, no immunities, and therefore in the same place hee
 saith: *Si tributum petit imperator non negamus, agri Ecclesie tri-
 butum solunt. Athanasius ad soluar. vitam agentes;* speaking to
Constans the Emperour, saith: Let religious Bishops perswade
 the Emperor, that he corrupt not the Church, nor mingle the
 Romane Empire with Ecclesiasticall constitutions. And *Hilla-
 rie* writing to *Constantius*, saith to the same purpose: *Provideat
 & decernat clementia tua, &c.* Let your clemency prouide and
 establish, that all Iudges to whom the care of publike businesse
 belongeth, may abstaine from religious constitutions. Thus
 did the auncient Bishops gouerne the Church, not suffering

*Orat. in Aux-
 cent.*

*Lib. ad Constans-
 tium August.*

*Theodoret. lib. 5.
cap. 32.*

any King or Emperour, to meddle with the determinations of matters of faith: For of such matters are these testimonies to be vnderstood, and onely of such. In like manner *Chrysostome* resisted *Gaina* generall of the forces of *Arcadius* Emperour. Who would haue had a Church within *Constantinople* for himselfe and the *Arians*. The Emperour was willing to gratifie him, or not willing to displease him for his greatnesse; but *Iohn Chrysostome* did vtterly denie it, as a thing vnlawfull. Thus by the warrant of Scriptures and examples of Fathers we giue to *Cesar* all coactiue power which is due to him: but spirituall gouernment we giue not to him: this is that gouernment which is reserved to Bishops, as the Apostles successours. After which example *Gregorie* the first writeth thus, *Serenissimi domini anturum non ignoro, quod se in causis sacerdotalibus miscere non solet.* *Gregorie* calleth those causes with which the Emperours medled not, *causas sacerdotales*: meaning therby the same which *Ambrose* calleth causes of faith.

Lib. 3. epist. 20.

*De sacerdotio
lib. 3.*

August. epist. 9.

Synes. epist. 57.

12. Besides this Spirituall gouernment which is peculiar to Bishops, there is also another part of gouernment giuen to Bishops; which commeth from Princes, which *Constantine* first gaue, as hereafter we shall declare. Of this *Chrysostome* saith: *Iam vero pars illa, quam Episcopum tractare in iudicijs conuenit, infinita odia, infinitas offensiones parit; quae ipsa praequam quod negotijs quamplurimis plena est, tam multas etiam difficultates affert, quam multas ne forenses quidem iudices sustinent:* and much more to the same purpose. *Augustine* complaineth that he was too much troubled with these matters of iudicature. And *Synesius* professeth that he can not attend both businesses. *Antiquum tempus* (saith he) *tulit eosdem & sacerdotes & iudices, et eum Aegypti, Hebraeorumq; gens multum temporis a sacerdotibus gubernata est;* and a little after, *Non condemno Episcopos qui versantur in negotiis, &c. Si qui vero sunt, qui a rerum diuersarum aggressionem non laduntur, illi forsitan possunt simul & sacerdos fungi, & ciuitatibus praesse.*

In all these parts of Episcopal Iurisdiction, which either by Apostolicall right or institution, or by the fauour of Princes, haue beene giuen to them: the Pope hath intruded like a Foxe, and

main-

maintaineth his intrusion like a Lion. For as Christ left an equality and paritie among his Apostles, often affirming and confirming that one of them should not be greater then another; and yet the Apostles were in gouernement aboue other Ministers: and that by the institution of Christ himselfe: For the Lord after that he had chosē his twelue Apostles, did chuse also seuentie Disciples [and sent them two and two before him into euery citie where he himselfe should come] saith S. *Luke*; then Christ himselfe is the authour of this order in the Church: which the Church hath since that time euer held, the Bishops succeeding the Apostles, as the inferiour Pastors succeeded the seuentie Disciples: So the Apostles after them left the like equality among Bishops, that one of them should not bee aboue another; and yet Bishops in gouernment aboue other Ministers: for Iurisdiction was neuer in the multitude, but in gouernours: the Bishops the being the gouernours after the Apostles, the like Iurisdiction was in all. As *Cypr.* saith, *Episcopatus vnus est cuius à singulis pars in solidum tenetur.* And *Hierom* saith, *Vbi vnq̃ fuerit Episcopus siue Romæ, siue Eugubij, &c. eiusdem meriti, eiusdem est & sacerdotij.* Which power in Bishops the Pope hath by surreption drawn to himselfe, and now out of his fulnesse imparteth to Bishops at his pleasure; as if hee were the fountaine of Iurisdiction.

Mat. 18. 1.
Marc 9. 34.
Luc. 9. 46.

Luke 12. 1.

Cypr. lib. de unitat. Eccle.
*Hiero. ad Eua-
grium tom. 2.*

13. As thus he hath drawn their auncient right from Bishops: so hath he drawn from Temporall Princes that which of auncient right was theirs: we shall better vnderstand what he hath taken from Temporall Princes, if we consider the true limits betweene the power of Princes, and the power of the Church. We say therefore that the Iurisdiction of the Church was neuer extended to coactiue power: because God hath giuen all coactiue power to the Ciuill Magistrate, to whom hee hath committed the sword. And as coactiue power belongeth not to the Church, so neither dooth it belong to the power of the Church, to erect or establish, to dissanull or dissolue this coactiue power, as the Pope pretendeth to doe by excommunication, deposing Kings and freeing their subiects from their faith and allegiance. This dissolution of coactiue power cannot

Lib. 5. cap. 7. de
Rom. Pont.

cannot belong to the Church, because this is both Temporall and coactive: the power of the Church being Spirituall, cannot bee called either Temporall or coactive. Now that the power exercised by the Pope in excommunication is Temporall and coactive, is the graunt of *Bellarmino*: for hee saith that the Church of old did not depose *Nero, Diocletian, Iulian, Valens, &c.* *Quia deerant vires temporales*: then he graunteth that in this present practise of the Popes, there are *vires temporales*: what is this, but temporall coercion? The Church in old time had all that power which Christ committed to his Church, but then, by the confession of *Bellarmino*; the Church had no coactive power: therefore this coactive power which the Pope useth by Temporall force in deposing of Kings, was not by Christ graunted to his Church, And if we should yeeld Temporall coercion to the Church, what power is left to the Magistrate? Thus we see the auncient hedge is plucked vp, and the bounds are chaunged, which of old stood betweene these two powers Ciuill and Spirituall.

Iohn 18. 36.

14. Against this disordering of the auncient bounds wee haue the words of our Sauour Christ. [My kingdome is not of this world, if my kingdome were of this world, my seruants would surely fight, that I should not bee deliuered, &c. But because when these wordes are vrged against our aduersaries, they looke ascant vpon them, as if they touched them not: Let vs consider how the kingdome of the Pope, and his pretended Iurisdiction in deposing of Kings, is vtterly ouerthrowen by these words, which declare the power properly belonging to Christs kingdome, that is to his Church. Christ aunswereth heere to *Pilats* question, *Verse 33*. [Art thou the King of the Iewes?] By which question it appeareth there was some suspicion and feares, that Christ pretending for a kingdome, might conspire against the state, and worke the trouble and dissolution of the gouernment established. For as *Herod* when he heard that Iesus was borne the King of the Iewes, was troubled and all Ierusalem with him; and entred into such feares and suspicion, that moued him to kill all the young children from two yeeres old and vnder: so

Mat. 2. 3.

the

the high Priests suggested the same suspicions to *Pilate*. From this ground riseth this question of *Pilate*, Art thou the King of the Iewes? To this he aunswereth, my kingdome is not of this world. From which aunswere applied to such a question, these positions issue: It is against the nature of the kingdome of Christ to worke any trouble to the kingdomes of the world. And, that kingdome which worketh trouble to the kingdomes of this world, is not the kingdome of Christ. Christs kingdome which is not of this world, is his Church, which is in this world, but not of this world, as himselfe saith, [If you were of this world, the world would loue her owne, but because you are not of this world, but I haue taken you out of this world, therefore this world hateth you.] Then we reason thus: The gouernment of Christs Church breedeth no trouble, much lesse dissolution to the states of this world: but the gouernment of the court of Rome, (now commonly called, the Church of Rome) breedeth trouble and dissolution to the states of this world: therefore the gouernment of that court, is contrary to the gouernment of Christs Church: the assumption is a confessed truth too well knowen, that the gouernment of the Popes court or Church, breedeth trouble and dissolution to States by excommunications. The proposition is prooued by the aunswere of Christ to *Pilats* feares: my kingdome is not of this world: whereby hee satisfieth *Pilate* that he needed not feare any trouble, or dissolution of established authoritie by him, for this was *Pilats* feare. So that if wee admit that Christ did aunswere to the purpose, and that *Pilats* feares and suspicions were remooued by his aunswere, it must be confessed that by that aunswere the State was secured, that Christs gouernment would not raise any trouble to it, or procure the dissolution thereof. And it must be well obserued, that Christ thus securing the present State, doth not speake of his owne person onely, but vndertaketh for all that belong to him, and his kingdome. Therefore he saith not, I am not: or, my person is not of this world: but, my kingdome is not of this world. Then as hee secureth this State from any trouble that they might feare from his person, so he secureth all States of the world, during

Joh. 15. 19.

ring the time of this world, from all troubles that they might feare from his members, and from his kingdome which is his Church. Wherby it followeth by strong euidence of reason that they who put States in feare of troubles, or work the dissolutiō of Ciuill gouernment (as the Pope doth by excommunication) are not the members of Christ, nor belonging to his kingdome.

Iohn. 18. 36.

15. This is further declared in the same place, by the words following. [If my kingdome were of this world, then would my seruants surely fight that I should not be deliuered to thee.] In which words wee finde that Christes seruants may not fight, not stirre vp tumults, vproares and warres, for the maintaining of their kingdome. Therefore that Kingdome for which they raise so much warre, is not the kingdome of Christ, not Christs Church: nor they that raise vp such warres, Christs seruants. Christ forbiddeth his seruants to fight for him, and his kingdome: the Pope commandeth his seruants to fight for him and his kingdome. Can you haue two kingdomes more opposite? two Kings more contrary?

*Mat. 5. 44.
Iust. apol. 2.*

Plin. epist. li. 10.

16. This doctrine that the Church may not stirre vp any vproares or warres against the Magistrate, hath beene alwayes maintained by the auncient Fathers. For we finde that in the greatest persecutions, the auncient Bishops taught Christians alwayes to liue in peace, and to pray for the Emperours and gouernours, though they were persecutors, according to the commaundement of Christ; [Loue your enemies: and pray for them that persecute you.] *Iustin Martyr* saith, [We pray that you (speaking of the Emperour) may be found to haue a good and sound mind with your imperiall power.] *Plinie* writing to

Traian of the auncient manner of Christians, saith they assembled to worship Christ, and bound themseluer in a Bond, not to set vppon any wicked practise, *Sed ne furta, ne latrocinia, ne adulteria committerent, ne fidem fallerent.* Contrary to which practise the Pope by his excommunication, deposing of Princes, and discharging subiects from their oath and Allegiance, bindeth men to raise warres and tumults, to breake and violate their faith, and to commit many disorders. *Tertullian* saith *Oramus pro Imperatoribus &c.* That is, [We pray for Emperours,

*Tertul. apo'.
cap. 39.*

rours,

rours, for their deputies, for powers, for the State of this world, for the quiet and peaceable government of things.] Contrarie to which the Popes raise warres, make the government of States tumultuous, and take away peace from the earth. *Optatus* saith, [For good cause doth *Paul* teach; that we must obey Kings and powers; yea though an Emperour were such an one as liued after the manner of the Gentiles.] *Augustine* saith, [we are not to yeeld this power to any but onely to God, the power I say to giue kingdomes &c. Who giueth earthly kingdomes both to godly and vngodly.] And in another place hee prooueth, that euill Kings and Tyrants are to be obeyed, whereof he giueth a reason: because saith hee [Men consist of two parts, a bodie and a soule, as long as wee are in this life, and neede the helpes of this life, we must by that part which belongeth to this life, be subiect to the powers of this world: but by that part whereby we beleue in God, we owe no subiection to man, but onely to God.] *Ambrose* saith, If the Emperour should commaund any thing vnlawfull: hee would not obey, neither durst he resist by force, but onely beare with patience: *Armenius* *nostra sunt preces & lachryma*. *Gregorie* the first was so farre from this tumultuous disposition of his successours, that hee held himselfe bound to obey the Emperour in the promulgation of that law, which he thought the Emperour should not haue made. *Ego quidem iussioni tuae subiectus* (saith he to the Emperour *Maurice*) *eandem legem per diuersas terrarum partes transmitti feci, & quia lex ipsa omnipotenti deo minime concordat, ecce per suggestionis mee paginam serenissimis dominis nuntians: verobique, ego quae debui exsolui, quia & Imperatori obediens praebui, & pro deo quod sensi minime taceui*. So farre were these auncient Fathers from the newe and strange practises of disobedience and rebellion against Magistrates, which is now so stiffely taught, and vnnecessarily executed by the Popes vassals vnder pretence of Religion.

17. But they tell vs, that the Pope useth onely his spirituall censures: hee excommunicateth Kings for heresie or schisme, and thereby depose them, and dissolueth the obedience of Subiects. I answer; excommunication as it is a censure of Christs

Optat. lib. 3.

De ciuit. dei lib. 5. cap. 21.

Lib. de natur. boni aduers. Manich. cap. 2. Expositio quarundam questionum ex epist. ad Rom. proposit. 72.

Orat. in Auxent.

Lib. indist. 11. cap. 100.

Church, containeth no coactive power, that is no such power as to depose Princes, or to dissolue the faith and allegiance of Subjects. Which thing is proved both by the use of excommunication; and by the power of the Church. First, if we consider the use of excommunication, we finde it was used in the Church of the Iewes, and from them taken by the Church of Christians. Then excommunication being found among the Iewes in his full use and force, all the kindes thereof being distinctly observed by the learned Iewes, namely by *Elias Levita*, who observeth out of the writings of the auncient Rabbines, three diuers kindes of excommunication in use in the Iewish Church: it followeth, that this censure of the Church can be no farther extended in the Church of Christians, then it was in the Church of Israel, where it was first instituted and established. But in the Church of Israel, it was neuer extended to deposing Kings, and destroying obedience of Subjects: therefore in the Church of Christians, it may not be extended to these practises. What can be denied heere? For neither can they denie, but that the censures of the Church should bee of greatest power there, where they were first instituted: neither can they denie, that excommunication was first instituted in that Church of the Iewes: neither can they shew vs, that any King of that Nation was at any time deposed for pretended heresie, or for knowne and professed idolatry: though the Kings there were often great idolaters: though the Priests were bolde and couragious in Gods cause: yet we neuer finde that any Priest did by excommunication depose the King, or destroy the bond of allegiance. This thing then being neither practised by the Iewes, where these censures were in first and chiefe force, nor by Christ and his Apostles, nor by the Fathers of the Primitiue Church, nor known in the Church for the space of almost a thousand yeares (as hereafter wee shall declare) wee haue great reason to conclude that excommunication, as it is an Ecclesiasticall censure, hath no power coactive to alter any temporall authority, to depose Kings, to destroy and dissolue allegiance, or to trouble any lawfull authority established in this world.

18 This will no lesse appeare, if wee consider the power which

Elias. Thisbet.
verbo אִשְׁמָר

which the Church hath alwaies practised, for coactive power was a thing which the Church yeelded alwayes to the ciuill Magistrate. And if the Bishops of Rome did sometimes breake out beyond their bounds: yet were they in those ancient times alwayes repressed by the authority of the Church. For, that we may take a short suruay of the Iurisdiction of the Church, during the first three hundred yeres: so long as the Apostles liued, no man doubteth but that they ruled all, and that the greatest Iurisdiction of the Church was in them, if we speake of spiritual Iurisdiction. And if any one Apostle liued after the rest, there was more power acknowledged to be in him, then in any one that liued in the Church in his time. Now it is for an assured historicall truth recorded by *Eusebius*, and before him by *Irenaeus* (whom the full consent of the auncients follow heerein) that *S. Iohn* liued after all the other Apostles were dead, & that he continued in the gouernment of the Church, vntill the times of Traian Emperour. In which time the Bishops of Rome after *Peter* are recorded to be these *Linus*, *Anacletus*, *Clemens*, *Euaristus*, *Alexander*. If the Bishop of Rome had then been the head of the Church, the chiefe Pastor, the Monarch, the fountaine of all Iurisdiction, as his flatterers now make him: it must be confessed that *Alexander* in his time, and *Euaristus* before him was *S. Iohns* head: and before him *Clemens*, and before him *Anaclet*, and before him *Linus*. Did these rule and gouerne *S. Iohn*, or *S. Iohn* them? shall we say that they had Iurisdiction ouer *S. Iohn*, or *S. Iohn* ouer them? If these Bishops each in his time had Iurisdiction ouer *S. Iohn*, then there was an authority in the Church aboue the authority of the Apostles. If they were gouerned by him, then the Bishop of Rome was not the head of the Church. There is no sober spirit that can doubt of these things: or can thinke that in those dayes any liued in the Church, who was not vnder the Iurisdiction of an Apostle.

19 After Saint *Iohns* death, who was liuing in the yeare of Christ 100. and after: in the Church of Rome, were *Sixtus*, *Telesphorus*, *Hyginus*, *Pius*, *Anicetus*, *Soter*, *Eleutherius*, *Victor*. These gouerned the Church of Rome in succession, by the space of one hundred yeares together. In which times they seemed

willing to put to their helping hands, to aduance the Church of Rome. For Sathan hauing a purpoſe thence to raiſe Antichriſt, began betime to worke, and to abuſe thoſe good men, as it was not hard for him to beguile better men then they were, though we admit them to be good men, and holy Martyres. Then were they drawne into a loue to aduance their ſeate and Iuriſdiction, yet ſo, as neither in them is proued pernicious, neither was it thought by the Church to be very dangerous, ſeeing they yeelded and ſubmitted themſelues in the end to the graue and godly aduiſe of the Church.

*Euseb. lib. 5. ca.
24.*

20 The things wherein the Biſhops of Rome ſought firſt to aduance their power, was by *impoſing ceremonies* vpon other Churches. Thus did *Anicet* contend for the celebration of Eaſter: but was quieted by *Polycarp*; who for the peace of the Church, made a iourney to Rome, and pacified *Anicetus*. And was ſo much honoured of *Anicetus*, that there he practiſed the function of a Biſhop, as *Eusebius* reporteth, taking the ſtorie from *Irenaus*. Thus was peace and loue then maintained on all ſides, whileſt the Biſhops of Rome were content to be ruled by others.

Euseb. ibid.

21 A little after, *Victor* grewe more violent in the ſame quarrell, and excommunicated the Eaſterne Churches, which did not obſerue Eaſter after the maner of the Church of Rome. But *Victor* was reſiſted, and ſharply reprobued by *Polycrates* Biſhop of *Ephesus*, and the reſt of the Eaſterne Biſhops, as alſo by *Irenaus* Biſhop of Lions in Fraunce. Theſe did freely reprove *Victor*, for that he regarded not the peace of the Church: they declare that in ceremonies there was great difference of olde, and yet the Biſhops liued in loue and peace together: that the differences in ceremonies, did not breake the conſent in faith: that theſe differences were before the time of *Victor*: and that hee was therein to followe the examples of his auncients, who preferred loue and peace, and the doctrines of faith ſincere, with ſome diuerſity in outward ceremonies. This was all that the Biſhops of Rome attempted in thoſe dayes: wherein there appeareth no Iuriſdiction ouer others, but rather the contrary. For the godly Biſhops of Aſia reprobued them, and made them ſee

see and acknowledge their owne rashnesse, and caused them to desist: therefore the Church did not then acknowledge the Popes Iurisdiction.

22 Betweene *Victor* and *Syluester* the first, succeeded 18. Bishops of Rome, in the space of 100 yeares next. In which time there was no great attempt made for superiority or Iurisdiction: onely the Bishops of other Churches did honour the Bishop of Rome, following the Apostles rule [In giuing honor goe one before another.] Which honour if they could haue remembered as well to giue to others, as they did to receiue from others, there could haue risen no question of Iurisdiction: but that which began in loue and courtesie, was afterward drawne to Iurisdiction. We denie not but some of the auncients haue yeelded to *S. Peter* a Priority among the rest of the Apostles, because of his great zeale and loue to Christ and to his trueth, and for his excellent vertues: and to the Bishops of Rome wee finde likewise that the auncients yeelded great and honourable titles, but this was in respect of their vertue, learning, and integrity. For the auncients knewe no other rule of fauouring men, but vertue: he was in the Church most honourable, and accounted chiefe in succeeding the Apostles, whose life and conuersation was most Apostolicall. Wherefore as the auncients gaue this honour to the Bishops of Rome, for their godly liues, to call them the Apostles successours, so when they found other Bishops who in vertue excelled, they gaue these titles in as great honour to them, as euer was giuen to the Romane Bishop. For we finde these titles as much or more giuen to others, then wee can finde giuen to the Romane Bishops. *Basil* writing to *S. Ambrose*, saith of him, that he doth hold the sterne of that great and famous ship, the Church of God, and that God had placed him in the primary and chiefe seat of the Apostles. Of the Bishop of Rome, it is hard to finde in all antiquity a more honourable title, then this is of *Ambrose*. Now if *S. Ambrose* helde the sterne of that ship the Church of God, and if hee sate in the chiefe and highest seat of the Apostles: it must follow, that an inferiour seat was reserued for the Bishop of Rome, as long as *Ambrose* liued: and that hee was esteemed the

Rom. 12. 10.

*Titles of honour
giuen to other
Bishops as much
as to the Bi-
shops of Rome.*
Basil. Epist. 55.

ἐπὶ τῆς πρῆτης
θρόνου τῶν
ἀποστόλων.

ποτα βοηθηα
ημιν τῆς δου-
κῆς ὁππως.

Lib. 6. Epist. 1.

Lib. 6. Epist. 4.

Lib. 7. Epist. 4.

Lib. 6. Epist. 7.

Euseb. lib. 7. cap.
23. 24, 25. &c.

the chiefest in Apostolicall succession, who came neereſt the Apostolicall vertues: or that they were *ἐπὶ τοῖς*, presidents alike in Christs Church. And throughout all the Epistles of *Basil*, wee obserue, that albeit hee wrote often to the Westerne Church, wee finde no such honourable mention of the Bishop of Rome: but somewhat sounding to the contrary. For in the tenth Epistle, he noteth the pride and ambition, which then began to be espied in the Bishops of Rome: complaining to *Eusebius* Bishop of Samosata, that the Church could haue no help from the pride and ambition of the West. Then concerning this title, to be called the successour of the Apostles, it was sometimes giuen to the Bishops of Rome, onely in regard of their vertue, godlinesse, and faith which once appeared in those Bishops. And so it is giuen to *Ambrose* and to other Bishops. In this sense we vnderstand those titles giuen by *Sidonius Appollinaris* Bishop of Auern, to diuers Bishops in France in his time. For writing to Pope *Lupus* (as he calleth him) a Bishop in France, he testifieth that hee had liued 45 years in the sea Apostolicall. *In sede Apostolica nouemiam decursa quinquennia*. And againe to the same man he saith: *Pater officium quod incomparabiliter eminenti Apostolatus tuo sine sine debetur, &c.* The same title he giueth also to *Fontellus*, another Bishop in France, declaring that therein he greatly reioyced: *Quod Apostolatus vestri patrocini-um copiosissimum conferre vos comperi*. And writing to the same *Fontellus*: *Ego quoq;* (saith he) *ad Apostolatus tui noticiam acceda-*

23. Then by this Title Apostolicall, no Iurisdiction will rise to the Bishops of Rome, seeing the same is giuen to others, as well as to them. Neither was there then in the Bishop of Rome any power aboue others, neither in the whole Church was ecclesiastike power found. To prooue this, *Eusebius* reporteth a Storie, which we wish to bee well obserued, because it maketh an euident prooffe of the Iurisdiction of the Church, which thing wee seeke: The Storie is thus. *Paulus Samosatensis* Bishop of Antioche, taught that Christ was a meere man. To repress this wicked heresie, a Councell was gathered at Antioche. The Church was then without the helpe of a Christian Magistrate. In chiefe accompt among them that liued in the Church at that time

time, was *Dionysius* Bishop of Alexandria, a man* for his great learning and godlinesse much renowned in the Church then, and alwayes since : he was so aged and weake at that time that he could not be present in the Councell, but by writing confirmed the truth against *Paulus* the Hereticke. Among them that were assembled there, was *Gregorius* Bishop of Cæsaria, who had the gift of working miracles : in which respect *Basil* maketh honourable mention of him in diuers places : *Dionysius* was then Bishop of Rome. The famous Bishops of the East had diuers meetings against *Paulus*; the last meeting was in the time of *Aurelianus* Emperour about the yeere of Christ, two hundred seuentie and siue. At what time *Paulus* was fully refuted and repressed, especially by the labour, industry, and learning of *Malchion* : hee was condemned saith *Eusebius* of all the Churches of Christ which are vnder heauen. After the conuiction of this Heresie, the Councell wrote to *Dionysius* Bishop of Rome; and to *Maximus* Bishop of Alexandria, (for *Dionysius* died before this Councell ended, and *Maximus* succeeded him in Alexandria :) and to all the Church of Christ vnder heauen. The Epistle is extant in *Eusebius*, and was directed to these Bishops, that by them other Churches might haue knowledge of this thing.

24. After all this *Paulus Samosatenus* held the Church of Antioche, and gaue no place to *Domnus*, (whom the Councell excommunicating and deposing *Paulus*, had decreed should take his place.) The Bishops in this case were driuen to seeke the aide of the heathen Emperour *Aurelianus*; at the suit of the Councell, the Emperour commaunded that the Church of Antioche should be deliuered to him, to whom the Church of Italie and the Bishop of Rome would write. By this it appeareth that the Church had no Iurisdiction coactive : for when the Bishops of this Councell had proceeded as farre as they could, by Ecclesiasticall censures, (against all which censures *Paulus* held the Church by force) finding that without coactive power *Paulus* could not be repressed, and finding no such power in themselves, they were forced to seeke the Emperours helpe, acknowledging thereby that all coactive power rested in

Damnatur ab omnibus quæ sub cælo sunt Ecclesiis Christi. Euseb. ibid.

Omni Ecclesie Catholice quæ sub cælo est. ibid.

the Emperor. * Moreouer by this we obserue the beginning of that practise, which afterward drew the opinion of Iurisdiction after it. For the Bishop of Rome had no authoritie then ouer other Bishops, neither did he challenge any. And when some fewe of that Sea, did seeme to pretend some authoritie in matters of conformitie and ceremonies, as *Anicetus*, *Victor*, and some few other: they were quickly repressed by the Church, & were content to be ruled by the Church. But because the heathen and persecuting Emperours were content for the glory of Italy, to giue this honour to the Church there, and especially to the Bishop of Rome, that other Bishops should find fauour for his sake (as appeareth euidently by this Story, wherein it is recorded that the Bishops of that Councell had no meanes to helpe themselues but by the Emperour, and the Emperour not regarding the cause, onely to honour the Bishop of Rome, referred the matter to him), hence, as reason was, the Churches were compelled to make much of the Bishop of Rome, and to seeke his fauour, without which they sawe the heathen Emperours would not be drawn to doe them iustice.

*Euseb. lib. 7.
cap. 4. 5.*

25. About this time, *Stephanus* Bishop of Rome threatned likewise to Excommunicate some Bishops for rebaptising of heretickes, but he was repressed by *Dionysius* Bishop of Alexandria. Some also that were excommunicate in *Africa*, came to Rome to seeke the fauour of *Cornelius*: who without examination of the cause, receiued them to the Communion. Of which thing *Cyprian* complaineth much: they saile to Rome faith he, *cum merce mendaciorum*. Against this hee declareth, that it was ordained that neither the Bishop of Rome, nor any straunger should be iudge of the causes of their Church. And to *Cornelius* he writeth thus: *Quum statutum sit ab omnibus, & equum sit pariter ac iustum, ut vniuscuiusq; causa illic audiat, vbi est crimen admissum, & singulis pastoribus portio gregis sit ascripta, quam regat unusquisq; & gubernet, &c. Oportet vniq; eos, quibus presumus; non circumcurfare, & episcoporum concordiam coherentem sua subdola & fallaci meritate collidere, sed agere illic causam vbi & accusatores habere, & testes sui criminis possunt.* That is, [Seeing it is decreed by all, and it is a thing both equall
and

Cyprian. Epist. 55

Ibid.

and iust, that euery mans cause should be heard there, where the crime was committed, and a part of the flocke is appointed to each Pastor, which each in seuerall must rule and guide, &c. Verily it behooueth that they whom we gouerne, should not gad and run about to others, nor by their crafty and fallacious rashnesse breake in sunder the coherent concord of Bishops: but there ought they to plead their cause, where they may haue accusers and witnesses of their crime.]

26. Thus albeit the Bishops of Rome did seeke some enlarging of their authoritie, sometimes by giuing countenance and patronage to criminous and scandalous men, yet they were repressed and brought into order by the godly and learned Bishops, that then liued in the Church: Who would not suffer the priuiledges of the Church to be lost, or any title of Iurisdiction to grow, where there was no right. Thus for the first three hundred yeeres the Church of Rome had no Iurisdiction ouer other Churches: but the Bishops there were teuerenced by other, partly for their wisedome, learning and godlinesse; partly because the Emperours fauoured them aboue other: and because they were Bishops of the chiefe citie and seat of the Empire. For as they had some fauour aboue the rest with heathen Emperours, so they found much more fauour from Christian Emperours; which thing caused them to be regarded by other Bishops, but no Iurisdiction was as yet acknowledged.

CHAP. V.

Of the estate and Iurisdiction of the Church from the end of the first three hundred yeeres, untill the yeere of Christ, sixe hundred. wherein is declared that coactiue power was in the Christian Emperours : from whom the Church receiued some parts of coactiue Iurisdiction. The Popes began to seeke Iurisdiction by forgerie.



Owe let vs consider the times that followed, when the Church had peace from persecution and found the fauour of Christian Emperours. In which time no Iurisdiction will be found in the Church of Rome, about other; and all coactiue Iurisdiction was acknowledged without question, to bee in the Christian Emperours; from whom the Church receiued some part thereof.

2. *Constantine* who did as much honour the Church, and was as much honoured of the Church, as euer any Christian Emperour: leauing therein an example, which standeth as yet alone without a match, did notwithstanding take all that to himselfe, which is now called Ecclesiasticall Iurisdiction coactiue, without any let, or contradiction, nay by the generall approbation of all that then liued. When *Ceciliannus* Bishop of Carthage was accused by *Donatus* and some other of that faction, for deliuering the holy Scriptures to the enemies of Religion to be burned: *Constantine* commaunded *Ceciliannus* to come to Rome, with a certaine number of Bishops which accused him, and other that might heare and vnderstand the cause.

Optatus lib. 1.

Enseb. li. 10. ca. 5

And commaunded the Bishop of Rome, then *Milhiades*, with certaine Bishops of Fraunce (to the number saith *Optatus* of nineteene) to heare and end the matter: the Bishops condemned *Donatus*, who appealed from the sentence: and albeit the Emperour was much offended at his appellation, yet hee could not choose but receiue it. In all this processe, the Emperours

Soueraigne

Soueraigne Iurisdiction appeared, the cause was a pretended crime of a Bishop: the Emperour appointeth iudges, and receiued the appellation: which things declared Iurisdiction.

3. Likewise after he had banished *Eusebius* Bishop of Nicomedia, and *Theognis* Bishop of Nice, he wrote an Epistle to the people of Nicomedia, declaring the iust causes of their banishment, and signifieth that his especiall pleasure and desire is, to haue Bishops, *castos, orthodoxos, humanos*: and shutting vp his speech, he saith: *Quasi quis audacter inconsulteq; ad memoriam pestium illarum exarserit, illius statim audacia ministri dei, hoc est, mea exequutione coercetur.* Where we see *Constantine* vseth coactiue Iurisdiction ouer Bishops, he punisheth them, he declareth the true ground of his Iurisdiction from the word of God, by which warrant he is placed the Minister of God. This is that coactiue Iurisdiction ouer Ecclesiasticall persons, which did alwayes belong to the Soueraigne Magistrate, and was neuer by God giuen to any other.

*Theodoret. lib. 1.
cap. 19.*

4. It was alwayes held by all sober writers of the Church of Rome, as hereafter shall be further declared, that in the Church there is no power aboue the power of a Councell. And yet this authoritie of a Councell, so much and so worthily reuerenced could not restraine *Constantine*, but he vpon good and iust causes brought the rash proceedings of some Councils to a newe examination. For when *Athanasius* was wronged by a Councell of Arians, he complained to *Constantine*. The Emperour sent for all the Bishops of that Councell, to render an accompt of their proceedings before him: which declareth that his Iurisdiction coactiue, was aboue the power coactiue of the Councell. For heere we consider onely Iurisdiction coactiue, and not the matter or subiect: for otherwise wee acknowledge, as before is declared, that the determinations of generall Councils, are matters of an higher truth and authoritie, then the Statutes or decrees of any Emperour. But wee speake heere of that Soueraigne Iurisdiction coactiue, which hath alwayes appeared in the power of the ciuill Magistrate, and wherein the Church had no more part, then that she receiued from the liberalitie of godly Emperours: for as Kings re-

*Socrat. lib. 1.
cap. 33. 34.*

ceiue the knowledge of faith and Religion from the Church, and not the Church from Kings : so coactive Iurisdiction the Church receiveth from Kings, and not Kings from the Church.

5. There was no Councell held in *Constantines* time, whether of Orthodoxe or heretikes, but either by the expresse commaundement, or license of the Emperour. *Ruffinus* saith, he called the Council of Nice at the request of the Bishops: *Ex sacerdotum sententia apud urbem Nicæam concilium Episcopale convocat.* *Epiphanius* saith that Councell was obtained of the Emperour, at the suit of *Alexander* Bishop of Alexandria. So the Bishops who then liued in the Church, held it to be of the Emperours right and Iurisdiction to call Councils. *Theodoret* rehearseth a Dialogue betweene *Constans* the Emperour, and *Liberius* Bishop of Rome, who afterward for feare and through weakenesse, and irksomnesse of his exile, was drawen to subscribe to *Arianisme*, as witnesseth *Hierom*, *Ruffinus*, *Platina*, and other: In that Dialogue these words are worth the noting. *Constans* willing *Liberius* to forsake the Communion with *Athanasius*, and to condemne him; *Liberius* his answer is, *Ecclesiastica iudicia cum summa iusticia obseruatione fieri debent : quare si tua pietati placer, iudicium cogi impera, ubi si damnandus Athanasius videatur, sententia in illum ordine modoque Ecclesiastico feratur: nam fieri nequit ut condemnetur à nobis, de quo iudicium datum non sit.* That is, [Ecclesiasticall iudgements ought to proceed with exact obseruation of iustice. Therefore if it please your Godlinesse, command a Councell to be called, wherein if *Athanasius* seeme worthy to be condemned, let sentence passe against him in Ecclesiasticall order and manner. For it cannot be that by vs hee should bee condemned, seeing wee haue no authoritie to iudge him.] The Bishop of Rome here confesseth, first, That *Iudicia Ecclesiastica*, Ecclesiasticall iudgements are to be appointed and established by the Emperour; then he graunteth him Ecclesiasticall Iurisdiction, and granteth, that to call a Councell belongeth to his Iurisdiction. Secondly, the Emperour cannot make a man an hereticke, but this must be done by a Councell or by the iudgement Ecclesiasticall.

This

Ruffin. hister.
Eccle. li. 10. ca. 1

Lib. 2. Tom. 2.
heres. 68.

Hieron. in chron.
& catalog.
Ruffi. li. 10. ca. 27
Platin. Liberio.

Theodoret. lib. 2.
cap. 16.

This being a thing not of coactive Iurisdiction, but of knowledge in the word of God. Thirdly, the Bishop of Rome renounceth all right and authority of iudicature vpon *Athanastus*, therefore in those daies hee had no Iurisdiction ouer other Bishops.

6. This mixt Iurisdiction which now is practised by Bishops, began in the time of Constantine. So *Nicephorus* writteth: *Constantinus Clericos omnes constitutione lata immunes liberosq; esse permisit; iudiciumq; & iurisdictionem in eos Episcopis, si ciuiliu iudicium cognitionem declinare vellent, mandauit, & quod Episcopi iudicassent, id robur & auctoritatem sententie omnem habere debere decreuit.* That is: [Constantine by an edict graunted the priuiledge of immunity to all Clerkes, and graunted to Bishops iudgement and Iurisdiction ouer Clerkes, in case they would decline from the courts of ciuill Iudges: and he decreed that whatsoeuer the Bishops iudged, that should stand in all strength and authority of a decree.] *Sozomen* declareth by what occasion it grew first: For some began then to appeale from ciuill iudgements to Ecclesiasticall, and some Bishops receiued the appellations: which thing being approued by *Constantine*, gaue great authority to this kind of Iurisdiction. *Episcopi* (saith he) *in causis ciuilibus sententias pronuntiarunt, si qui à iudicibus ciuilibus ad eorum auctoritatem appellassent. Quam rem propter uenerationem Episcoporum adeo approbavit Constantinus, ut ratas haberi, potioresq; quam aliorum iudicium sententias, nec minus quam ab ipso imperatore essent pronuntiate, per Magistratus & milites Magistratum ministros ad effectum perducere lege edixerit.* That is: [Bishops pronounced sentence in ciuill causes, if any appealed to them from ciuill Iudges. This thing for the reuerence of Bishops *Constantine* approued so much, that hee ordained by Law, that these iudgements should be ratified, and of greater authority then the sentences of other Iudges: yea, to be held of no lesse force, then if the Emperour himselfe had pronounced them, so to be executed by the Shrieves & their seruants.]

7 By which it appeareth, that these courts with this Iurisdiction were vnderstood then, no other then the Emperours courts. The Emperour graunteth this Iurisdiction, saith *Nicephorus*,

lib. 7. cap. 46.

*Sozom. lib. 1.
ca. 9. Tripartit.
lib. 1. cap. 9.*

cephorus,

cephoras, the Emperour ratifieth these iudgements, saith *Sozomen*, the Emperour commaundeth that the sentence of the Bishop should be euery where receiued, as if it proceeded out of his owne mouth. Which words are well to be obserued. For the Emperour commaundeth not, that the Bishops sentence should be receiued as a diuine sentence, but only as an humane: not as proceeding from the mouth of God, but as proceeding from the mouth of the Emperour. Now if these Courts were then so euidently proued to be the Emperours Courts, our aduersaries may acknowledge their owne ignorance & folly, who make declamations and many idle discourses, without solid prooffe, against them that call Ecclesiasticall Courts the Kings Courts: as if this were a thing new, strange, and neuer heard of before these late yeares. Their error is that common Sophisme which filleth most of their bookes, which *Aristotle* calleth *μαζα τῶν οὐδέων*, compounding & confounding those things which we distinguish, and which are distinct in nature. For in this word of Iurisdiction, they confound these two distinct things, both that which is spirituall Iurisdiction, yeilded by vs the right of the Church, and all that also which Princes haue giuen to Ecclesiasticall Courts: such as these priuiledges which *Constantine* gaue to Bishops Courts, and other Princes since haue continued and enlarged. If these things be not distinguished, the truth can neuer appeare in this question: by this the Reader may vnderstand, who they are that hide and deface the truth by new varnishing of olde rotten Sophismes.

8 Then all coactiue Iurisdiction came into the Church from the authority of Princes; for as the power of the Church is internall and spirituall, so externall and coactiue power was the right of Princes. To this purpose *Eusebius* reporteth a speach of *Constantine* at a banquet: calling himselfe a Bishop for things externall, as they were for matters internall. His words are these: *Vos quidem eorum qua intus sunt in Ecclesia agenda, ego vero eorum qua extra hanc sunt, Episcopus à Deo sum constitutus*. And whereas Iurisdiction is best knowne by appellations, it hath been often seen that frō the Pope men haue appealed to a counceel, as hereafter we are to declare, but from a counceel we find no appel-

Arist. Elench.

*Euseb. lib. 4. de
vita Constanti-*
ni.

appellation to the Pope, but to the Emperor for some personall wrong. *Athanasius* being vniustly condemned by the Synod of Tire appealed to *Constantine*, as *Socrates* witnesseth. In like sort *Flavianus* appealed to the Emperour, when the Synod of Capua had referred his cause to *Theophilus*, and the Bishops of Egypt. Yea, the heretiques themselves in those dayes knew no means to appeale from the Emperour. *Augustine* saith; that *Donatus* did still appeale to the Emperour, being condemned by the Bishops and by Synodes. And so religious were these auncient Bishops, in preserving the Emperours Iurisdiction, and yet maintaining the truth without feare: that when they were oppressed by Arians, and by the power of an Arian Emperour, yet they would vse no other meanes, then these direct meanes. And therefore the Bishops hauing a purpose to condemne the Arians, craued a counsell of *Valens*, an Arian Emperour, who granted them a counsell at *Lampsacum*, wherein they condemned the Arian doctrine. So that without the Emperour they would not gather a counsell, though it were to conclude directly against the Emperours purposes. Thus doth *Socrates* report the calling of that counsell: but *Sozomen* saith, it was not obtained of *Valens*, but of *Valentinian*.

*Socrat. lib. 1.
cap. 23.*

*Ambros. Epist. ad
Theodos.*

*August. Epist.
162. et alibi.*

*Socrat. lib. 4.
cap. 2.*

9. Besides these publique and generall Synods, there were also some more priuate and particular, in calling whereof the Bishops had power. The Bishop of the Diocesse vsed to call a Synod of his Clergy, but could proceed no farther. Prouinciall Synodes were called by Metropolitans: but in a generall Synod of many Nations, the Emperour had alwayes the right of calling it: as a King hath the onely right of calling a Synod, of those Nations that are vnder his gouernment. For as the counsell of Nice was called by *Constantine*, so were all the counsels of these next three hundred yeares, called by the Emperours that gouerned at such times. *Theodosius* gathered the counsell of Constantinople against the heresie of *Macedonius*, in the third yeare of his raigne, which was the yeare of Christ 383. saith *Prosper*. The counsell of *Ephesus* against *Nestorius*, was gathered by the authority of *Theodosius* the younger: and the fourth generall counsell at Chalcedon, by the authority of *Martianus*

*Prosper in Chron.
nicis.*

Leo. Epist. 12.

Ibid.

Epist. 17.

Epist. 24.

Epist. 31.

Bellarm. de
concil. cap. 12.

Bellarm. Ibid.

and *Valentinianus* Emperours. *Leo* the first, was a great man in these affaires, and hee is the fittest to certifie vs of the truth, against whose witnesse our aduersaries haue no reason to except. This Pope then writing to the Emperour *Theodosius*, saith: *Piscus vestra apud Ephesum constituit Synodale concilium*. And afterward declaring his obedience and conformity thereto, saith: *Meum studium commodauit, ut Clementia vestra studijs pareatur*. And againe: *Ne autem piissimi Principis dispositioni, nostra videatur presentia defuisse, fratres meos misi, &c.* he hath the same also, *Epist. 23. ad Theodosium*. Againe, hee writeth to *Pulcheria*, to moue the Emperour to command a councill to be holden within Italy, declaring that he wrote to the Emperour to intreat the same: Which thing hee moueth also in other Epistles. And though he much desired this, that the Emperour would haue beene intreated to hold a councill within Italy, yet could he not obtaine it, and therefore was ready to obey the Emperour, attending his pleasure therein, who appointed it in another place.

10 Which thing we obserue, the rather because our aduersaries of late haue yeelded this as a proper right to the Pope to call councils. *Catholicorum conuocandi concilia generalia* (saith *Bellarmino*) *ad Romanum pontificem proprie pertinere volunt*. And when they are driuen by these open and euident testimonies, they shift it thus: as to say, another may doe it by the Popes consent: but if the Pope neither appoint the place, nor no other by his commaundement or consent, then it is no councill, but a conciliable. These bee vaine and friuolous shifts of Friars. For it is true, that the Popes consent was to these ancient councils, but no otherwise then as the consent of all other Bishops. They consented because they could not chuse, because they were resolu'd to be obedient: but they could not appoint either place or time. For *Leo* could not haue it where hee would, but it was where and when the Emperour appointed.

11 Before the councill of Chalcedon, there is the Writ of the Emperours *Valentinian* and *Martian*, called *Sacra*: to call Bishops to *Nicaea*. But another *Sacra* is sent to reuoke that, and

to call them to Chalcedon. So that all this while the Emperors rule, as those that haue Ecclesiasticall Iurisdiction. They call counells, they punish offenders of the Clergy, they establish Ecclesiasticall Courts, they are acknowledged the nourishing Fathers of Religion, the keepers and preseruers of both Tables, and of the discipline of the Church. And therefore *Leo* writing to *Constantinus* Emperour, who called the sixt Synod, saith thus: *Cognouimus quod sancta & vniuersalis maxima sexta Synodus, quæ per Dei gratiam imperiali decreto in regia vrbe congregata est, &c.* [Wee know that the holy and vniuersall great sixt Synod, which by the grace of God is called and gathered by the imperiall decree, in the imperiall City, &c.] And a little after: *Pietas vestra fructus misericordie, potestas custos disciplinae.* [Your godlinesse is the fruit of Gods mercy, your power is the keeper of discipline.] And againe: *Nec enim minor regnantium cura est praua corrigere, quam de aduersarijs triumphare, quia ei inimirum potestatem suam seruendo subiiciunt, cuius munere imperare noscuntur, &c.* Vnde diuinitus præordinata vestra Christianissima pietas, &c. *Caput Ecclesia Dominum Iesum Christum veram pietatis regulam amplectendo, &c.* [For Governours ought to haue no lesse care to correct vngodly things, then to triumph ouer their aduersaries: for they submit their power to his seruice, by whose power they are knowne to rule, &c. Therefore your most Christian zeale preordained of God, &c. acknowledging our Lord Iesus Christ the true rule of godlinesse, to bee the head of the Church.] Wherein the Bishop of Rome doth acknowledge, first, that the generall councill is to be called onely by the authority of the Emperour, *imperiali decreto*. Secondly, that the Emperours power is such a power, as is *custos disciplinae*. Hee speaketh here in an Ecclesiasticall cause, and of Ecclesiasticall affaires. Now that power which is *custos disciplinae Ecclesia*, what is it, but Ecclesiasticall Iurisdiction? This word Iurisdiction was not then worne in such vse as now it is, but we see the auncients vse words counteruailing it. The Bishop of Rome acknowledgeth Ecclesiasticall power and Iurisdiction to be in the Emperour, when hee yeeldeth him such a power as is preseruier of the discipline Ecclesiasticall. Thirdly, he confesseth that the care of

*Leo Junior.
Act. 18. Syno-
dus sexta.*

the Church & Church-gouernment for establishing the truth, doth no lesse belong to the office of a Prince, then to triumph ouer his foes in warre. Fourthly, the Bishop of Rome as then acknowledgeth no other head of the Church, then Iesus Christ as appeareth by his words. To the same purpose Saint *Augustine* saith, *Diuinitus precipi regibus, ut in regno suo bona inbeant, mala prohibeant, non solum quæ pertinent ad humanam societatem, verum etiam quæ ad diuinam religionem. Contra Crescentium li. 3. cap. 51.* That is, Kings are commaunded to estalish good things, and prohibite euill in their Kingdomes, not onely in things belonging to Ciuill societie, but in such things also that belong to diuine Religion. *Gregorie* the great following the footsteppes of his Fathers, yeeldeth the same authoritie to the King: For writing to *Theodoricus* King of France, he saith: *Iterata vos per vestram mercedem adhortatione pulsamus, ut congregari Synodum iubeatis.* This part of Iurisdiction for calling of Councils, is so fully confirmed to be the Emperours right by the Aunceants, that Cardinall *Cusanus* (sure no Lutheran) disputing of this priuiledge, concludeth from the confessed testimonies of the Aunceants, these two things: First, That Emperours and Kings by their office must call Councils, Secondly, that their office is likewise by coactiue power, to see the things maintained and obserued, which are defined in general Councils.

Regist. ca. 273.

*Cusanus lib. de
Cath. concor-
dantia 2. cap. 19*

12. Hitherto then haue we found the Soueraigne Iurisdiction alwayes in Christian Magistrates, and neuer in the Bishop of Rome. How then commeth the Bishop of Rome to this practise of Iurisdiction, which now he claimeth? Let vs here consider one Pageant of theirs, which will declare the first claime and beginning of Iurisdiction, which they haue so much increased since. The first attempt was to winne Iurisdiction ouer Bishops, the second was to get the same power ouer Kings, and by that meanes ouer all. These we meane to open, with as much breuitie as we can, and the matter will beare. First then to bring Bishops of other Nations vnder their power, a shamelesse deuise was plotted by the Bishop of Rome, discried and reiected by the auncient Fathers that then liued; but yet so closely followed afterward by the Popes, that in the end it pre-
uailed.

uailed. I will declare the storie as it is deliuered by their owne writers, who haue collected the tomes of the Councils.

13. The sixt Councell of Carthage was gathered in the yeere of our Lord foure hundred and twentie: against the heresie of *Pelagius*: it lasted fixe yeeres and more. In it were gathered two hundred and seuateene Bishops, among whom was that worthy Father Saint *Augustine*, and others of famous note, as *Prosper*, *Orosius*, and diuers other of great vertue and learning. *Aurelius* Bishop of Carthage, Metropolitan of Affrica was chiefe. In the time of this Councell, three Bishops of Rome succeeding one another, mooued great contention and quarell with the Fathers of this Councell for Iurisdiction, which the Popes then began to claime, affirming that they had Iurisdiction ouer the Church of Affrica, which thing these Fathers of this Councell vtterly denied: the contention began vpon this occasion.

Prosper in Chronica.

14. *Apiarius* a Priest of the Church of Sicca, in Affrica, was for his infamous and scandalous life excommunicated not onely by *Vrbanus* Bishop of Sicca, but by a whole Synode of Bishops met together. This fellow thus censured in Affrica, fled to *Zozimus* Bishop of Rome, to him he complained of wrong that the Bishops of Affrica had done him, as he said. *Zozimus* without examination of the cause, vndertooke to maintaine him, and admitted him to the Communion. After this vnderstanding, that the Bishops of Affrica were gathered in their Synode, he sendeth to them *Fausinus* Bishop of Potentia, and with him two Priests, *Philip* and *Asellus*. Them hee chargeth to defend the cause of *Apiarius*, to cause the Synode of Affrica to receiue him to their Communion, to excommunicate *Vrbanus*, Bishop of Sicca, or else to call him to Rome, vnlesse hee will reforme, that is, vndoe all that he had done against *Apiarius*. Further he commaundeth them, to draw the Councell to yeeld to the Iurisdiction of the Bishop of Rome, and to acknowledge it lawfull for any Bishop or Priest, to appeale from the sentence of their Metropolitan to Rome: he commaundeth them also to signifie, that he sent his Legate into Affrica, who might vnderstand the causes of appellants that were grieved.

Concil. Affrican. cap. 101.

To effect this thing the better, he chargeth them to declare, that the Nicen Councell hath given this Jurisdiction to the Bishops of Rome: for prooffe hereof he deliuereth vnto them in writing a counterfeited Canon of the Nicen Councell.

Concil. Carthag.
6.

15. *Faustinus* comming to Affrica with these instructions, and being admitted into the Councell, declared that he had from *Zozimus* a Commission which he called *Commonitorium*; and withall he declared the Jurisdiction of the Bishop of Rome, confirmed by a Canon of the Nicen Councell. *Aurelius* President of the Councel answered, let this Commission first be read which our brethren haue brought: hereupon *Daniel* the notary reade, and recited the Commission thus. [*Zozimus* Bishop of Rome, to our brother *Faustinus* Bishop, & to our sons, *Philip* & *Asellus* Priests: this businesse you know, you are to doe all things as if our presence were with you, nay because it is with you: and the rather seeing you haue both our expresse commaund, and the words of the Canons, which for more full assurance we haue added to this Commission. For thus (most beloued brethren) it is decreed in the Councell of Nice concerning the appellation of Bishops.] (And then forsooth the forged Canon of the Councell of Nice followeth thus.)

Concil. Carthag.
6. cap. 3.

Placuit autem ut si Episcopus accusatus fuerit, & indicauerint congregati Episcopi regionis ipsius, & de gradu suo deiecerint eum, & appellasse Episcopus videatur, & confugerit ad beatissimum Ecclesie Romanae Episcopum, & voluerit audiri & iustum putauerit ut reuocetur examen, scribere his Episcopis dignetur, qui in finitima & propinqua prouincia sunt, ut ipsi diligenter omnia requirant, & iuxta fidem veritatis definiant. Quod si is qui rogat causam suam iterum audiri, deprecatione sua mouerit Episcopum Romanum, ut è Latere suo presbyterum mittat, erit in potestate Episcopi Romani, quid velit, & quid existimet: & si decreuerit mittendos esse qui presentes cum Episcopis indicent, habentes auctoritatem eius a quo destinati sunt, erit in suo arbitrio. Si vero crediderit sufficere Episcopos, ut negotio terminum imponant, faciet quod sapientissimo consilio suo indicauerit. That is, [We thought good that if a Bishop be accused, and the Bishops of that Prouince haue giuen sentence, and depofed him; if this Bishop seeme to appeale and
flie

flie to the most blessed Bishop of Rome, and desire to be heard: if he thinke good to reuoke the sentence, it may please him to write to those Bishops which are in that Prouince, that they may diligently search the matter, and iudge it truely. But if he, that moueth his cause may be heard againe, shall by his petition intreat the Bishop of Rome to send a Legat from his side, it shall be in the power of the Bishop of Rome, to doe what hee thinketh best. And if he decree to send some, who with the Bishops of the Prouince may be present to iudge, hauing authoritie from him, from whom they are sent, it shall be in his pleasure. And if he thinke that the Bishops of that Prouince may suffice to end the businesse, let him doe whatsoeuer in his most wise Councell he iudgeth best.]

Before I proceed in this narration, let some things of note bee obserued: First, the Bishops of Rome were now growen from the honest and godly conuersation of their Auncestours, to admirable impudency that durst suborne a Canon of the Nicen Councell, and publish their owne shame, in the sight of the Church then, and leaue an eternall monument thereof to the world, for euer extant in publike Councils. Secondly, the ground of the Jurisdiction of the Bishop of Rome, is forgery, famously attempted, and famously convicted at that present time. And yet this practise preuailed mightily afterward, this vnblest deuise of forgery, being attempted in a number of decretall Epistles, to drawe in this Jurisdiction, a practise whereof no learned Papists can speake or thinke without blushing, and yet such is their miserable captiuitie, that they are willing to make vse of that falshood, whereof they cannot thinke without a secret confession of forgery. Thirdly, the ingenuous reader cannot but see, and vnderstand the vanitie of the Popes flatterers, who struiuing now for this Jurisdiction, would blasphemously draw it from Scriptures, such as thou art *Peter*, &c. And feede my Sheepe, &c. These Scriptures were first drawen by the forged decretall Epistles to proue the Popes Jurisdiction, and are now commonly drawen to the same purpose: but when *Zozimus*, *Boniface*, and *Celestinus* began first to contend for Jurisdiction, they claimed it not frō Scriptures: this deuise

nise was not then found out, but they laid all the cause vpon a forged Canon of the Councell of Nice. So that this is but a late knauerie of the Popes flatterers, to countenance their newe found Iurisdiction by Scriptures.

16. When this Canon was recited by the notarie, the Fathers of the Councell were much offended and troubled at the absurditie thereof: there were then present some of the best learned Diuines then liuing in the world, they knew well there was no such Canon, they neuer read it in any copies of the Nicen Councell, they neuer heard of this thing before: they resolu'd therefore not onely to denie the Canon, but to refute the falshood of the Pope so famously, that it might be knowen to all the world, and that the Church afterward might take warning of the Romane ambition: therefore they aunswered for the present, thus: that this Canon was not to bee found in their bookes. And for a more full and sufficient examination of this matter, they would send for the autentike copies of the Nicen Councell, before they could graunt the Popes request. To this purpose they writ a letter to *Zozimus*, which was presented to *Boniface* his succellour, and is extant in the Tomes of the Councils.

*Concil. African.
cap. 101.*

17. *Boniface* first receiuing these letters (for *Zozimus* was dead before they returned) pursueth the claime of Iurisdiction by corruption of the same Canon, and with obstinate and resolute peruersitie maintaineth the falshood begun by his Predecessour. In the meane time two copies autentike of the Nicen Canons were sent to the Fathers of the Councell of Carthage, one from *Cyrrilus* Bishop of Alexandria: another from *Auricus* Bishop of Constantinople. These copies were read, but no such Canon could be found, as the Bishop of Rome had foisted in: the Fathers vnderstanding the fact, and hauing taken the Bishop of Rome in a flagrant crime, decreed that the true Canons of the Nicen Councell should be obserued, reiecting this suborned and supposititious Canon. This decree they sent to Pope *Boniface*: but Gods iudgements hastily following these corruptors, *Boniface* was dead before it came to Rome, and *Celestinus* next succeeding receiued it.

18. *Cele-*

18. *Celestinus* as stiffe for this Iurisdiction as any of his predecessors, maintained the cause by the same meanes, resolved with shame ynough to stand for the adulterated Canon : which pertinacy after open conuiction, declareth that the pollicie of the Church of Rome began then to forsake religious courses, and to rest vpon falshood and forgery to obtaine their willes. And therefore it is not to be marueiled, if the truth of Religion afterward forsaked them. *Apiarius* gaue a new occasion to the Pope to worke vpon: for after that this man was receiued vnto the Communion by *Zozimus* and *Boniface*, he returned to the Trabacens, where for his foule and scandalous life he was excommunicated againe. To recouer this disgrace, he flieth to his onely refuge the Bishop of Rome then *Celestinus*, who receiueh him, admitting him to the Communion; and directeth his Legats *Fausstinus*, *Philippus*, *Asellus*, to Affrica, with a streight charge to draw the Councell to yeeld to the demaunds of his Predecessours: for want of other helpe, hee furnisheth them throughly with impudencie and inuict audacity: for what other vertues were left to maintaine such a cause? The Legats coming with this Commission, require of the Councell that *Apiarius* may be admitted to their Communion, and that they would be content to submit themselues to the Romane Iurisdiction. The Fathers of the Councell produce the autentike copies of the Nicen Canons, which they had procured from Alexandria and Constantinople: by which the Romane forgery was evidently conuincied. Here began a fresh contention, *Fausstinus* resolved to execute his Commission to his vtmost power, exclaimeth against the Sea Apostolike, against the violatours of the Nicen Canons. The Councell protesteth that they will imbrace all true Canons, that they will yeeld to the Church of Rome all true priuiledges: onely in the lawfull, warrantable, and necessary defence of their owne freedome, and of the Churches freedome, they must stand, and therefore could not admit a forged claime without shew of truth. As they were in the heat of contention, the one side struing to impose the yoke of their Iurisdiction vpon the Church, the other re-

*Concil. Affrica.
cap. 105.*

solued to stand close and faithfull for the freedome of the Church: behold of a suddaine *Apiarius* the firebrand of this contention, touched by the very finger of God, and drawn to giue God the glory, and so to end this contention; falleth downe on his knees before them all, and confesseth all those crimes to be most true, which were objected against him: and with humble supplication craueth pardon of the Councell. And so this Tragedy ended.

*Concil. Affrican.
cap. 105.*

19. The Fathers of this Councell hauing this experience of the Popes corruption and dishonestie: write to *Celestinus* to this purpose. They intreat him not to trouble the Church, by patronising such wickedmen as *Apiarius*: that he would not accept of appellations, made by such scandalous and condemned men, who would seeke a refuge for their wickednesse at Rome: they declare that the Nicen Canons derogate nothing from the African Church: that the Fathers of the Nicen Councell sawe with great wisdome, that all suits were to be ended in the places where they began; that the grace of the holy Ghost should not be wanting to any Prouince; that if any bee offended hee may appeale to a Prouinciall, or to a generall Synode; that transmaritim iudgments ought not to be admitted, where witnessses cannot be conueniently produced, either for sexe or age: that to send any Legats from the side of the Romane Bishop, is a thing found in no Synode established; that the Canon of the Nicen Councell, by which the Popes claimed this Iurisdiction is not to be found in the autentike copies of that Councell, and therefore falsified. Last of all they admonish him, that hee and his successours must take good heede, *Ne fumosum typhum saculi in Ecclesiam Christi, &c.* That is, that they induce not the smoke of arrogancie to darken the Church of Christ, which Church doth bring the light of simplicitie and the bright day of humilitie to such as desire to see God. Thus write the Fathers of that Councell to Pope *Celestinus*; intimating by what meanes, that smoke did begin to rise to darken the Church which is prophesied in the Reuelation, which came out of the bottomlesse pitt like the smoke of a great furnace. Vpon these reasons they make a decree, to preuent his ambitious desires,

Quaecumq; negotia in suis locis ubi orta sunt, finienda: nec gratiam spiritus S. unicuiq; Prouinciae deferantur.

Apoc. 9. 2.

by

by which decree they forbid all appellations to Rome, or to any other place from Affrica: it is extant in the Affrican Councell, and this it is.

Item placuit ut presbyteri, Diaconi, vel ceteri inferiores Clerici in causis quas habuerint (si de iudicijs Episcoporum suorum questi fuerint) vicini Episcopi eos audiant. [Moreover it was thought good that Priests, Deacons, or other inferiour Clarkes, if in their causes they complaine of the iudgements of their Bishops, they shall bee iudged by the next adioyning Bishops, &c.] And a little after, *Quod si ex ab his pronocandum putauerint, non pronocent nisi ad Affricana Concilia, vel ad primates Prouinciarum suarum. Ad transmarina autem qui putauerit appellandum, a nullo inter Affricam in Communionem suscipiatur.* [And if they appeale from them, they shall not appeale but to the Affrican Councils, or to the Primates of their Prouinces. Whosoever appealeth to outlandish places, shall be admitted to the Communion by none within Affrica.] Concil. Affrica cap. 92.

This was not so much a new decree, as the maintaining of that auncient decreed right, which Cyprian doth mention, testifying that it was decreed euen in his time by all the Bishops of Affrica, *Statutum est ab omnibus*: that the cause should bee there heard and examined, where the fault was committed. This Canon which was thus established in the Affrican Councell, is for clearing of the truth, and preuenting of these ambitious courses, and claimes of Rome, repeated and confirmed also in the Miletitan Councell: where Saint *Augustine* was also present. For it must be obserued that the sixth Carthaginian, the seventh Carthaginian, the Affrican, and Meleutitan Councils were held all about this time by the same men: so great was the care and diligence of the Fathers, that by many Councils as it were by so many lights, they might dispell the smoake of the darkenesse, which they saw then rising out of the Church of Rome: which smoake after those times quenched the light, and couered the sight of the Church, as a mist couereth the heauens. Cyprian. Epist. 55
Concil. Miletit. cap. 22.

20 Thus did these worthy Fathers dispell this smoake for that time, and reiect the yoke of the Popes Iurisdiction. In all this

Epist. 2. Bonif. 2.
inter decreta
eiusdem.

businesse S. *Augustine* had an especiall hand and head. And as long as he liued, the Popes could neuer preuaile. But the Bishops of Rome hauing thus once cast off all regard of truth and modesty, were resolved to proceed on in this wretched course, and neuer gaue ouer, till at last they obtained their purpose. There is an Epistle of *Boniface* the second, written after these times, extant in the Tomes of counsels, which whether it bee true, or counterfait (as much other suffice is of this argument) we are to obserue something out of it, because it concerneth this question. This Epistle is intituled, *De reconciliatione Carthaginensis Ecclesie*, written to *Eulalius* Bishop of Alexandria: he certifieth the Bishop of Alexandria of great ioy, for as much as the Church of Carthage is now returned, saith hee; *ad communionem nostram*: and receiueth all our mandates, which by our Legates wee send them. Hee signifieth that supplications must be made to GOD, that other Churches may likewise be brought home to the same obedience. That the Bishop of Alexandria must giue notice heereof to all the brethren about him, that they cease not to giue thanks for such benefites of the heavenly fauour. For, saith he; *Aurelius prefata Carthaginensis Ecclesia olim Episcopus, cum collegis suis instigante diabolo, super bire temporibus prædecessorum nostrorum Bonifacij atq; Cælestini contra Romanam Ecclesiam cœpit, &c.* That is: *Aurelius* once Bishop of Carthage, began with his colleagues, by the instigation of the diuell, to wax proud against the Ro mane Church, in the dayes of our prædecessours *Boniface* and *Cælestinus*. But *Eulalius* at this time Bishop of Carthage, finding himselfe for the sins of *Aurelius*, cut off from the cōmunion of the Church of Rome, hath humbled himselfe, and sought peace, and the communion of the Church of Rome by his subscription; and together with his colleagues hath by Apostolicall authority vtterly condemned all Scriptures and Writings, which by any wit haue beene framed against the priuiledges of the Church of Rome.

21 Whether this Epistle be forged or not, it commeth all to one reckoning. For if it be forged, let the Bishop of Rome take the shame of the forgery. If it be the true writing of the Bish. of Rome, then he auoucheth that the holy & worthy mā of God S.

Augu-

Augustine, with *Aurelius*, and the rest of his colleagues were stirred vp by the instigation of the diuell, to withstand this Romane Iurisdiction. We may the better beare the reproaches of the Romish Sinagogue, when they sharpen their tongues and pennes against the seruants of GOD in our times, seeing they haue done as much against the auncient godly Fathers. For what can the late Popes say more against *M. Luther*, *John Caluin*, or any other of the worthies of the reformed Churches, then this *Boniface* the second saith against holy *S. Augustine*, that he with the rest of his company were stirred and intigated by the diuell, to stand against the Iurisdiction of the Romish Church? Then when we denie their Iurisdiction, wee denie it with the Fathers: when wee are therefore condemned by the Pope and his Court, we are condemned with the auncient Fathers, with them we suffer, with them we are reuiled, and condemned. The goodnesse of our cause, the fellowship of the auncient Saints, the warrant of the truth, is able to support vs against the impotent malice and fury of these men, that haue no other cause to be offended at vs; then their Fathers had against *S. Augustine*, and the rest of the auncient and holy Fathers, who haue resisted the Romish Iurisdiction, and therein haue left a worthy example to vs, to follow their foot-steps. Thus we see the Popes Iurisdiction was first attempted by forgery, and afterward by falshood, and tyrannie effected.

22 Other Churches were afterward in time drawne to the obedience of this Iurisdiction. The Churches of Rauenna, Aquileia, and Millane, were long after this brought vnder the same yoke by Pope *Stephen* the third, saith *Sabellicus*. But *Platina* saith, that *Millaine* was drawne to this obedience by *Stephen* the ninth. If this be true, then *Milaine* stood out till the yeare of Christ nine hundred and forty. And thus the quarrell for Iurisdiction was begun by *Zozimus*, maintained by *Boniface*, and *Celestinus*, but reiectcd by these Affrican Councils. The cause was much helped by some that succeeded as *Leo*, and others. Who though in some things they were deceiued, and by the sleighty and subtile worke of Sathan drawne to doe it, vpon this so much fancied Iurisdiction of Rome: Yet.

Epist. Stephani
3. apud *Sabel-*
licum.

Platin. Ste-
phano. 9.

(as in charity we are to iudge) they were preferred by the mercie of God, from that shamelesse impudency of some of their predecessours, and were content to leaue things as they found them. And so the Church of Rome stood vntill the time of *Gregorie* the first.

CHAP. VI.

Of the state and Jurisdiction of the Church, from the yeare of Christ 600. vntill the conquest of England. wherein is declared how this Jurisdiction was first refuted by the Popes, and after obtained by the succeeding Popes. How the Popes resisted the Emperour, and surpris'd the Emperours Jurisdiction and lands, and how some Emperours recover Jurisdiction againe.



Now we enter into those fatall times of our captiuitie: For wee confesse that our Fathers were by a iust iudgement of God brought into a captiuitie farre greater then the Babilonian. Our Kings, our Bishops, our people, our Church, and all were oppressed. And they that led vs captiues aske vs, where was our Church then? Wee answer, in captiuitie. For though the greatest number then followed the pleasures and delights of Babilon, yet among them the true Israel of God remained. And we are able, by the grace of God, to proue a true Church to haue continued in the doctrines of the trueth, vntill God sent in his wonderfull mercy, a deliuerance from this captiuitie. But this belongeth to another question.

2 After these times the Jurisdiction of Princes and of the Church, was oppressed by the Pope. But before they came into that great oppression and captiuitie, it pleased God, for better testification of his truth to all ages, and for the confusion of this

this tyrannie gotten and maintained by forgerie; to cause one of the Popes to dispute this question with such zeale and courage, that it remaineth an euermore lasting testimonie against this Iurisdiction, and against all his successours. For when *Iohn Bishop* of Constantinople would haue had this title of Oecumenicall Bishop confirmed to him, *Gregory* the first (questionlesse the best Pope that hath beene since his time) vsed such reasons against *Iohn*, as are sufficient to proue, that no Bishop hath right to that Iurisdiction which now the Popes claime, and that hee who vsurpeth that place aboue his brethren, is Antichrist. And if the iudgement of *Gregory*, be sufficient to determine this controuersie, it will follow that Antichrist hath beene raised vp in the Church of Rome presently after *Gregory*, and hath in the succession of those Bishops sit there euer since: because since the time of *Gregory*, they haue taken and claimed this title, and thereby so much increased in pride, ambition, and enormous practises against the Church, and against states, that he that compareth these times with the former, shall finde it another state, then it was in the time of *Gregory*.

3 And because the Pope now glorieth in this title of vniuersall Bishop, from which title he would draw a Iurisdiction ouer all Bishops, *Gregory* herein is peremptory, that whosoever taketh that title, robbeth Christ of his place and glory. For, saith he: *Sub vno capite omnes membra sunt Ecclesia, sancti ante legem, sub lege, sancti sub gratia: et nemo se unquam vniuersalem vocari voluit.* [All the Saints as members of the Church are vnder one head, the Saints before the Law, vnder the Law, and vnder grace: and no man would euer suffer himselfe to be called an vniuersall Bishop.] This was then the learning of the Church of Rome, that because Christ was the onely head of the vniuersall Church, therefore no man may be. For the deuise which after this the Friars brought in, of *caput ministeriale*, was then vnknewne. The reason of *Gregory* is well to be obserued: because euery man is a member of the vniuersall Church, no man can be both head and member of the same. And therefore hee vrgeth this thing often; as namely where he saith: *Vniuersa sibi veniat ascribere, & omnia qua soli vni capiti cohaerent, videlicet Christo,*

*Lib. 4. indict. 13.
Epist. 82.*

Epist. 36. lib. 4.

Bellar. de Rom.
Pont. lib. 2. cap.
31.

Christo, per elationem Pompatici sermonis, eiusdem Christi sibi studeat membra subiungere. That is: he seeketh to ascribe all to himselfe, and whosoeuer as members are knit to one onely head, that is Christ, he deuifeth by the pride of this Pompaticall title to subdue to himselfe. Thus saith *Gregory* of him that sought this title of vniuersall Bishop. In many other places he proueth the same: that Christ is the onely and sole head of the Church, and therefore no man can challenge this title of vniuersall Bishoppe, or head of the vniuersall Church. Whosoeuer doth it, must bee that Antichrist that thrusteth Christ out of his place. For it is well to bee obserued, that the reasons of *Gregorie* against the claime of vniuersall Bishoppe, or head of the vniuersall Church, doe as well and truely refute all these names of pride now chalenged by the Popes, as this which then was chalenged by *Iohn* of Constantinople. For now these titles are giuen to the Pope as his due stile: *Princeps Sacerdotum, Vicarius Christi, caput Ecclesie, fundamentum Ecclesie, pater & doctor omnium fidelium, sponsus Ecclesie, Episcopus vniuersalis.* All these being titles of the like pride and poynte, are alike condemned by *Gregory*. Of this title of vniuersall Bishop *Gregory* saith so much, as might iustly deterre all his successors from that or any of the like nature. For he calleth it: *Vocabulum profanum, vanum, nomen vanitatis, vocabulum peruersum, vocabulum elationis, scelestum, superstitiosum, superbum;* Thus in diuers places he setteth out that title, and farther saith that it is: *Appellatio nefandi nominis, profani nominis superbia, appellatio frivoli nominis, vanitas stulti nominis, nomen Pompaticum.* By all which termes dispersed in diuers parts of his workes, hee hath declared his zeale against the pride of them that take such names vpon them, declaring that the blasphemy of this name was a prooffe, that Antichrist was rising in the Church. For he saith, that hee that taketh this name of vniuersall Bishop, is the fore-runner of Antichrist. For that Antichrist must be Lord of the Clergy, *Gregory* witnesseth, saying, *Sacerdotum ei preparatur exercitus.*

4. Now seeing that from these names of pride, they would proue the Popes Jurisdiction: We answer, this prooffe is founded

ded vpon a rotten and ruinous ground-worke, ſeeing their ancient Popes haue vpon the ſame reaſons grounded the prooffe of Antichriſt. After the death of *Gregory*, *Sabinian* ſucceeded, who ſate but ſixe moneths and nineteene dayes. And then came *Boniface* the third, who obtained of the Emperour *Phocas*, that title which *Gregory* had ſo condemned. Then and neuer before was the Church of Rome made the head and Miſtreſſe of all other Churches, and the Pope the chiefe Biſhop of all Biſhops. This was done in the yeare of Chriſt ſixe hundred and ſixe. And this *Boniface* is accounted the threeſcore and ſixe Pope from *Peter*, as *Caranza* noteth. Then we ſay, that whatſoeuer *Gregorie* hath written againſt *Iohn* Biſhop of Conſtantinople, all ſtandeth ſtrong againſt *Boniface* the third, and all the Popes after him. For he firſt obtained this Antichriſtian name, and all the reſt haue enjoyed it, & much encreaſed both titles of pride and power anſwerable to thoſe titles.

5. But becauſe *Bellarmino* would ſalue vp the wound that *Gregory* hath giuen to all Popes after *Boniface*, let vs briefly conſider his ſhifts, and ſo proceede. Firſt he ſaith; that by *Gregory* his words the Pope ſhould not be Antichriſt, but onely *præcurſor Antichriſti*, the fore-runner of Antichriſt. *Nam præcurſor*, ſaith he, *non debet eſſe idem cum eo quem præcurrit, ſed longe minor. Si ergo præcurſor Antichriſti eſt ille, qui ſe facit Episcopum vniuerſalem, ipſe Antichriſtus verus non hoc ſe faciet, ſed aliquid maius.* We anſwer: *Boniface* the third, who firſt obtained this title in the Church of Rome, was the fore runner of Antichriſt, and began to his ſucceſſours, but his ſucceſſours encreaſed that dominion which *Boniface* began: For they were not onely vniuerſall Biſhops, that is, Lords of Biſhops, but they were alſo Lords of Kings: that is, more then *Boniface* was: and therefore wee yeeld, that the fore-runner is leſſe then Antichriſt in his height, and yet we ſay, that *Gregory* his words ſtand both againſt the one and the other, vnanswered by *Bellarmino*. Another teſtimony of *Gregory*, he would ſhift thus. *Pariratione* (ſaith *Bellarmino*) *cum ait Gregorius: Sacerdotum ei præparatur exercitus: non vult dicere Sacerdotes ut Sacerdotes, ad exercitum Antichriſti pertinere, ſic enim ſeipſum etiam in illo exercitu collocaret, ſed Sa-*

Bellar. de Rom. Pont. lib. 3. cap.

13.

Bellar ibid.

cerdotes ut superbos Antichristo exercitum preparare. Graunting all true that *Bellarmino* saith, the wound is not cured which *Gregory* hath giuen to the proud Popes, and to their proud and luxurious Priests: these salues of *Bellarmino* are so farre from curing of the sore, that they make it much worse. Moreouer, *Bellarmino* sometimes would shift it thus, as if *Iohn* Bishop of Constantinople, when hee sought to be Oecumenicall Bishop, did not meane to be the chiefe of all Bishops, as the Pope is, but to be the onely Bishop, that there should be no other Bishop in the world but himselfe: so that he would inferre that the thing which *Boniface* obtained, was not the very thing which *Gregory* so lately before; and so hainously had condemned. Wee will therefore out of approued Histories briefly shew, that the honour which *Boniface* obtained, was no other thing, then that dishonorable title which *Iohn* Bishop of Constantinople sought to get, and which *Gregory* so much reprobued & abhorred.

*Paul. VVerne-
frid. Phoca.*

6 And certaine it is, that the thing which *Gregory* so sharply reprobued, was that which *Iohn* sought. Now that *Boniface* obtained the same thing, they who write thereof, beare sufficient witnesse. *Paulus Diaconus* saith thus: *Hic (Phocas) rogauit Papam Bonifacio, statum sedem Romanæ Ecclesiæ, ut caput esset omnium Ecclesiarum, quia Ecclesiæ Constantinopolitana primam se omnium Ecclesiarum scribebat.* That is: [This man at the suit of *Boniface*, ordained that the see of Rome should be head of all Churches, because the Church of Constantinople wrote her selfe the chiefe of all Churches.] Then by this testimony wee finde, that *Boniface* obtained no other thing of *Phocas*, then that which *Iohn* Bishop of Constantinople had sought before. *Abbas Vespergensis* saith. *Post Sabinianum Bonifacius eligitur ad Pontificatum: cuius rogatu Phocas constituit sedem Romanæ et Apostolicæ Ecclesiæ caput esse omnium Ecclesiarum, nam antea Constantinopolitana se scribat primam omnium.* That is: [After *Sabinian* *Boniface* was chosen Pope, at whose suit *Phocas* ordained, that the see of the Roman Apostolike Church should be the head of all Churches: for before this, the Church of Constantinople had writ her selfe the chiefe of all.] Then this thing was graunted by *Phocas*, at the suit of *Boniface*; and what was granted? no other thing

*Vespergensis Chroni-
cæ.*

not haue beene taken vp by the Popes.

7. And hence is the originall of the Popes Iurisdiction ouer all Bishops; he had once as much Iurisdiction ouer Bishops, as *Phocas* could giue him. But who gaue him Iurisdiction ouer Princes? That part of Iurisdiction was not then knowen in the world. But after this it crept in, the occasion thereof grew thus. When the Empire was vtterly decayed in the West, and so weake in the East, as not able to keepe Italy in obedience; though for a time rather by the bare name and opinion of ancient gouernement, then by any present strength, they kept some commaund in Italie by their Exarches abiding at *Rauenna*: *Gregorie* the second Pope, espying this weaknesse, and watching for an opportunitie to take the Empire at such disadvantage: to driue the Emperour quite out of Italie, vsed the helpe of the *Lunibards* against him; and preuailed so far that he gaue the Emperours army the ouerthrow in a pitched field: and slew *Paulus* the Exarch in battell. *Hac tempestate* (saith *Palmerius*) *inter Pontificem & imperatorem maxima discordia fuit: quam ob causam contra Pontificem in Italiam missi sunt primum Paulus Exarchus; mox eo interempto in eius locum substituitur Eutychus: sub quo variè pugnatum est diuisa Italia. In quo bello Antripharius Longobardorum ducem, auxilia Pontifici praeuisse Constat.* That is, [At this time a great discord rose betweene the Pope and the Emperour: for which cause first *Paul* the Exarch was sent to Italy, but he was slaine, and *Eutychus* sent in his place: vnder whom many battels were fought with variable fortune, Italy being diuided. In which warre it is well knowen, that *Antripharius* Duke of the *Lombardes* did aide the Pope against the Emperour.] *Naclerus* declareth that one especiall occasion of this breach betweene *Leo* the Emperour, and *Gregorie* the second Pope, was; that *Leo* abolished images which were worshipped, and commanded the Pope to do so: wherat the Pope was so iraged that hee drewe all Italie from the obedience of the Emperour. *Tantamq; auctoritatem tunc habuerunt Romani Pont. decreta* (saith *Naclerus*) *vt Rauennates primi, exinde Venetia, populi atq; milites, aperta in Imperatorē Exarchumq; rebellionē praeseuerant. Ac eo processit rebellio, vt depositis Exarchi magistratibus,*

In Chronic. an.
726.

Nacler. Ro. 2.
generat. 25.

tribus, singula ciuitates, singula oppida proprios magistratus, quos duces appellabant, creare & perficere curarent. [Such authority they had the Popes decrees, that first the Rauennates, after that the Venetians did raise an open rebellion against the Emperour and the Exarch. And this rebellion proceeded so farre, that euery city, and euery towne put downe the Exarches, and created proper Magistrates to themselues, whom they called Dukes.] Thus fell the government of Italy into so many partes euery one catching what they could, as men vse to doe at a great shipwracke. And the Pope was carefull to prouide that his part should not be the least.

8. When thus the Pope had driuen the Emperour out of all Italie, and by that meanes had drawen Italie into as many Dominions in a manner, as there were great Cities; the strongest began to pray vpon the weaker. Heere began the fire of emulation to kindle betweene the Pope and the Lumbards, for the Lumbards were the strongest part of Italie then, and the Popes part was the second: all other were weake in respect of these two; and these two thereto agreeing well hitherto, so long as both conspired against the Empire: began now to fall at variance about the deuiding of the spoile. The Pope finding the Lumbards too strong for him, in this parting of the spoile of the Empire; as before hee had vsed the strength of the Lumbards, to suppress the Emperour: so now following the same arte, called *Pipin* the Constable of Fraunce into Italie, by whose power hee repressed the Lumbards: and compelled *Astulphus* their King to receiue conditions of peace. *Platina* saith, that *Gregorius* chiefe Secretary to the Emperour, did meet *Pipin* as he came into Italie, and intreated him that if he should ouercome the Lumbards, he would restore the Exarchate of Rauenna to the Emperour, to whom of right, said hee, it belonged, (All that poore right that then he sought to hold in Italie, detained as then by the Lumbards, but presently falling vnto the Popes share) and that he would not yeeld it to the Pope. The answer of *Pipin* was, he came into Italie to gratifie the Pope, and that he would helpe him as much as he could. That which after the victorie fell to the Popes part, and to Rome, was saith.

Platina, all that lieth betweene *Padus* and the *Appennine*, from *Placentia*, to the *Venetian* standing waters; and whatsoeuer is contained betweene the riuer *Isaurus* and *Appennine*. *Paulus Amylius* saith, all that which before was called *Flaminia*, wherein was *Rauenna*, was hereupon commaunded to bee called *Romandiola*. The match by negotiation betweene *Pipin* and the Pope was made thus: that all that which was recouered from the *Lumbards*, being before parcell of the Empire, should be adiudged to the Pope, and to *Rome*: and *Pipin* for his seruice should bee made King of *Fraunce* by the Pope, and *Chilperic* the lawfull King should be deposed. All this was accordingly performed; and *Pipin* was absolved from the Oath of *Allegeance*, and so were all the *Barons* and people of *France* absolved from the Oath of obedience: which before they had taken to *Chilperic*, or as some call him *Hilderic*, their King.

*Dispergensis
Naueler.*

2. This *Storie* I haue briefly set downe, that the ground of the *Popes Iurisdiction* may be the better obserued: for from such straunge grounds, these *Romane Catholikes* draw the *Popes Iurisdiction*, and the parts thereof, as a man of ordinary reason would least suspect: so capricious are they now grown. As for example, from this fact of Pope *Zacharie*, who absolved subiects from the Oath of *Allegeance* to their true King; who would thinke that the *Popes Iurisdiction* could bee drawn? who would not rather iudge that the *Popes arrogancy*, pride, vsurpation, oppression, corruption might by this be procued? And yet *Augustinus Anconitanus* maketh this fact the onely ground and prooffe of his *Iurisdiction*: we looke for such a *Iurisdiction* as *Christ* left to his Church, we looke for proofes from *Scripture*: but we find no other *Iurisdiction* prooued, then the *Iurisdiction* of *Antichrist*, opposite to *Christs Iurisdiction*, and ouer *Princes*: for proofes out of the word of *God*, we find no other proofes, then such as are drawn from the *Popes rebellion* and conspiracie against the aunient *Emperours*, from their vniust vsurpation, and oppression of lawfull Kings, from an impious power pretending authority to breake and violate oaths, and faith, and *Allegeance* of subiects. And this manner of

rroose

proofe is held so strong, that nothing is more common among them then thus to proue Iurisdiction. One of that ranke would after the same maner proue this Iurisdiction by the Popes dispensing against oathes and vowes. For, saith he, [*Edward the Confessour* had made a vowe to goe in person to Rome, but was dispensed by Pope *Leo* the ninth, King *John* sued to Pope *Innocentius* the third, to be dispensed with all for his oath; which he had made to the Barons of England. And *Henrie* the seuenth procured from Pope *Innus* the 2. that notorious dispensation for Prince *Henrie* his sonne, to marry the Princessse *Katherine* of Spaine, left by his brother *Arthur*. Hereupon hee inferreth thus, these alone are sufficient to shew what opinion was held from time to time by the Kings of England, concerning the Popes Soueraigne Supreme Iurisdiction in spiritual matters belonging to conscience and directing of soules: thus farre the Romane Catholike.]

10. If this kinde of proofe please them to prooue the Popes Soueraigne supream authoritie, they may haue ynough thereof. For as Pope *Zacharie* dispensed with the oath of *Pipin*, and all the French Barons, and subiects; so doe the Popes since practise this part of Iurisdiction with great seruency or rather furie: they dispense with the oathes of subiects, they raise vp rebellions against true, natural, and lawfull Kings, they aduance vsurpers. This Iurisdiction wee graunt Popes haue practised but with shame ynough, heere is the difference betweene them and vs, betweene an euill cause and a good, betweene impudencie, and confidence in the truth: both they and we bring the same examples, but to contrary ends: they bring these examples of the Popes practises, to prooue Iurisdiction: wee vrge the same examples to shame the Pope with his Iurisdiction, Let the indifferent and ingenuous reader iudge, whether applie them to the true right and proper end. For let them aunswere vs, if they can, whence the Popes haue authoritie to execute such a Iurisdiction, as they haue neither from Christ, nor from the Princes of this world? For certaine it is that to dispense with oathes, to stirre vp subiects against their naturall Princes; to mooue rebellions: is a power which the Pope hath not received.

An answer
of a Catholike
Diuine to the
fift part of re-
ports of Sir
Edward Cooke
p. 123.

ceiued from Christ, nor from the Princes of this world. From whence then hath he it, let them tell vs, who make it a part of his Iurisdiction.

11. After this, *Charles* the great, sonne to *Pipin*, was made Emperour by *Leo* the third Pope. At this time it appeareth, that the Iurisdiction which by the Emperour before this, was vsually practised vpon the Bishop of Rome, and other Bishops began to be taken out of the hand of the Magistrate. For when *Charles* hearing many complaints against this *Leo*, concerning his life and conuersation, called him to an examination in a great meeting of Bishops, it was aunswered by a great acclamation: *Sedem Apostolicam omnium Ecclesiarum caput, à nemine (laico praesertim) iudicari debere.* That is, [It is not meet that the Apostolicke Sea, the head of all Churches should be iudged of any man, especiall a Lay-man.] This moued *Charles* to omit the matter: so soone had they learned to turne this power against the Emperour, which they had some two hundred yeres before receiued from the Emperour. This Iurisdiction then by this time had receiued a great change; for in former times, as the inquisition of false doctrines belonged to the care of Bishops, so the examination of the life and manners of Bishops: belonged alwayes to the Magistrate. So *Solomon* deposed *Abiathar*. So *Constantine* banished diuers Bishops, and reformed the Clergie. The godly Popes and Bishops in former times yeelded this power to the Magistrate, which God hath giuen him; knowing that euery soule is subiect to them, euen Bishops, euen Popes: yea, Apostles themselues. But now by the fall of the Empire, Papacy rising, and a newe straunge image of the Empire, rising vp in the Papacy, this Iurisdiction was then in hatching, which afterward was brought forth by a monstrous birth.

12. My purpose is, to note the occasions of alteration of Iurisdiction in the Church of Rome; and how the Popes hauing cast off the Iurisdiction of the Ciuill Magistrate, did in time draw to themselues a new forme of Iurisdiction; increasing the same by degrees. For whereas at the beginning as we haue shewed, the Bishops of Rome with others, were vnder the coactiue Iurisdiction of the Ciuill Magistrate: the absence and fall of the

Empire

*Platin. Leone 3.
Naucler. gener.
27.*

Empire gave opportunity to the Bishops of Rome to raise themselves. The first beginning of their Iurisdiction, was by getting appeals to be made to them: the enlarging & aduancing of it, was by obtaining the title of *caput Ecclesie*, & vniuersall B. The Pope was not called *caput Ecclesie*, but the Church of Rome got that title vnder *Phocas*, the Pope got it by his flatterers long after. And in the time of *Charles* the great, they had gotten in one foote farther into this Iurisdiction; for then they began to refuse the coactiue Iurisdiction of the ciuill Magistrate. All this while they were not come to the height and top of their Iurisdiction, to practise coactiue power ouer and against the ciuill Magistrate, to depose Princes, to raise vp rebellions, to absolue subjects from their faith and allegiance, though some of these things were a few founding, yet they were not come to their perfection till after this time: as we purpose in order to declare. And as we note their practises, so we must no lesse haue an eye to the men and meanes, which withstood them in these ambitious courses.

13 These attempts of Iurisdiction were then most famously withstood, when they were brought to their full hight. For after that the Popes had begun to stretch their Iurisdiction to the prejudice of Kings and Princes, then began the opposition most to appeare, learned men being stirred vp to write, and thoroughly to examine this question. Whereof my purpose is to speake farther in the last Chapter of this Treatise. Here we will onely note what resistance it found at the beginning, before it was growne vp to that hight; whereunto it came in time. First, wee finde that both *Charles* the great himselfe, and other Princes and Bishops, haue withstood the Bishop of Rome heerein; and seeking to giue euery one his right, haue giuen many parts of that Iurisdiction, which now the Pope claimeth, to the ciuill Magistrate. For after that *Charles* had subdued the Lumbards, as his father *Pipin* had done before him: and besieging *Desiderius* King of the Lumbards, came to Rome from the siege, to know what hee should haue for his trauaile, for recouering *S. Peters* Patrimonic, as the late Patrimonic of the Emperour falling to the Pope, then began to be called, (for the Pope had

promised to *Charles* for oppressing the Lumbards, and recovering this new Patrimonie, so much desired, so hotely pursued, so dearely bought, that hee should be made Emperour of the West, and the auncient authority and Jurisdiction of the Empire should be restored to him.) For the better effecting of these affaires, *Charles* hauing set a strong siege about Pauy, and taken order with his Captaines for that seruice; left the siege & came to Rome, bringing with him a great number of Bishops & Abbots, to holde a Synod with Pope *Hadrian*; and therein by all their industry and knowledge, to finde out what were the true and auncient priuiledges of the Empire, and what was the Emperours Jurisdiction confessed. Pope *Hadrian* receiued *Charles* honourably, and at his pleasure called a councell. Wherein questionlesse some parts of the auncient Jurisdiction were restored to *Charles*. For that Synod gaue him power to choose the Bishop of Rome, and in all Prouinces of his gouernment to inuest all Archbishops, and Bishops. Thus much is acknowledged by as many witnesses in a manner, as are Writers of the Story of this time. But of late some haue quarrelled against this Story, denying it to be true: which quarrell I purpose to handle and discusse in the next Chapter, in his proper place. *Theodoricus de Niem* writing of this councell, and of the end and purpose of those that held it, saith, that this Synod was gathered purposely to search out the auncient vses, lawes, and customes of the Empire and Church: that each power knowing their owne limits, the one might not encroach vpon the other. (*celebrata est* (saith he) *ab 153. uiris religiosis, Episcopis & Abbatibus, &c. ab uniuersis regionibus et cratinibus almae urbis, à cuncto eis in Clero huius sanctae Rom. Ecclesiae, exquirentibus vsus, leges, & mores eiusdem Ecclesiae et imperij.* That is: [It was celebrated by one hundred and fifty three religious men, Bishops & Abbots, &c. by all the regions and degrees of the City of Rome, by all the Clergy of this holy Church of Rome, making search and inquisition for the vses, lawes, and customes both of this Church and of the Empire.] Then we see that *Charles* recovered some part of the auncient Jurisdiction of the Empire. Which notwithstanding since his time, the Popes by inuincible contentions, wrested from

*Theodor. de
Niem.*

from the Emperours, chalenging it to be a part of their owne Iurisdiction, and charging the Emperours with Heresie and Schisme for practising that right, which other Popes before them, acknowledged to bee the auncient right of the Empire.

14 And because to the Iurisdiction of Princes it belonged of olde, both to call counsels and to confirme them, therefore *Charles* did not omit this part of Iurisdiction, though as the event declared, it was much against the Popes pleasure. He called a Synod at Frankford, wherein was condemned the doctrine of worshipping of images, which doctrine the Pope had late before confirmed. The occasion hereof grew thus. *Leo Isaurus* Emperour, being much offended that the Saracines had that great and iust exception against Christians, that they worshipped images: called a Synod at Constantinople, wherein the worship of images was condemned, and the images burned. He sent also to the Bishop of Rome, as then *Gregory* the second, commaunding him to doe the like, if he would haue his fauour, saith *Paulus Diaconus*. *Gregory* the second tooke this in such indignation, that he rebelled against the Emperour, and raised all Italy into a rebellion, by which meanes the Emperour lost all that then was left in Italy. *Gregory* the second, in the middes of these stirres died, and *Gregory* the third succeeded, who prosecuting the purpose of his predeceffour, called a Synod at Rome in the yeare seuen hundred thirty three by *Sigebert*: seuen hundred thirty nine by *Palmerius*. In this Synod the doctrine of worshipping images was confirmed; *Leo* the Emperor was excommunicated and depriued. Thus began the Pope to practise a new Iurisdiction, in deposing Emperours. After this *Constantine* surnamed, or rather nick-named, *Copronymus*, in the yeare of Christ, saith *Sigebert* seuen hundred fifty fise, called a Synod at Constantinople, wherein the worship of images was againe condemned. But another Synod was held at Rome by Pope *Stephen* the third, in the yeare of Christ seuen hundred threescore and eight, wherein the worshipping of images was againe approved. Which was more famously confirmed in the yeare of Christ seuen hundred foure score and eight, by another *Constantine*,

Paulus Diacon.

*Sigebert.
Palmerius.*

Sigebert.

time, and his mother *Irene*, who called the second Nycen Synod; wherein Imagerie preuailed much by the helpe of Pope *Hadrian*.

15. Vpon these stirres, *Charles* the great was moued to call a Synod at Franckford. Thither sent Pope *Hadrian* the acts of the second Nicen Synod, to be approued there, and to direct this Synod at Frankford, if they would take any direction from the Pope. But the Fathers of this Synode not regarding the Popes direction, tooke a meane course betweene the Greekes, who destroyed and defaced images, and the Church of Rome, which maintained the worship thereof. For they decreed that it was not impious to set vp images, but to giue any worship to them, this they held to be vtterly against Christian faith, and to be a thing receiued from the superstition of the Gentiles. This Synod was called and confirmed by *Charles* the great. Then be-like the Pope had not gotten all Iurisdiction ouer Kings, which now he claimeth. For the Emperour called Synods: not the Pope. Neither as then had hee gotten Iurisdiction ouer all Bishops, because we see many Bishops were found in Germany, France, Aquitany, and England. (for all these Nations *Charles* nameth in his letter to *Elepandus* Metropolitane of Tolet, as fauouring and maintaining the trueth against the worship of images) which resisted the Pope in this matter: so that his great and soueraigne Iurisdiction was not then established.

In Synodo
Francford.

As per prefat. ad
Alfredum.

16. About this time that most worthy, most religious, and learned King *Alfred* reigned in England. *As per Meneuensis* writing his life, entituleth him, *Omniū Britannia insula Christianorum rectorem*. Which title doth not much differ from that which is now in part giuen to the King: supream Gouvernour of all persons Ecclesiasticall. For whereas at this day the discipline of the Court of Rome, exempteth Clerkes from the Kings Courts, and consequently from the Kings government, it appeareth that in King *Alfreds* time, this thing was vtterly vnkowne to the world: therefore this King is called and acknowledged to bee the Gouvernour of all Christians within his dominions. Now because Bishops and Clerks were Christians, he was hereby questionlesse vnderstood the gouernour of Clerkes

aswell as of others. As then all forraine gouvernement and Iurisdiction was excluded by that title, so nowe there is no other thing sought but in like sort to exclude all forraine power and Iurisdiction, whether the Popes or any other. At this time when King *Alfred* liued and raigned, the sense, iudgement, and vnderstanding of the world, was no other; but that Kings were supreme gouernours of all persons and causes Ecclesiasticall and Temporall within their owne Dominions. I vnderstand gouernment here, as throughout this question I haue often admonished, gouernment or power coactiue: for this exemption of criminous Clarkes from their Kings Courts, was a thing vnknownen in the world in those dayes. And therefore whereas it is commonly taken by our aduersaries (who vse to begge such principles, as they cannot prooue) that the religion, sense, and iudgement of the world ranne wholly for the Iurisdiction, which now is practised in the Court of Rome, this wee vtterly denie. For we are able to shew when the sense, iudgement, and religion of the Church, was against them, in every part of their pretended Iurisdiction. For first whereas the Pope claimeth Iurisdiction ouer Bishops, this is one part of his Iurisdiction, and is now the sense and iudgement of the Court of Rome, but in the times of the sixt and seuenth Carthaginian Councils, of the Affrican, and Mileuitan Synodes: at this time, I say, and alwayes before, the religion, sense, and iudgement of the whole world ran contrary. If any obiect, that these were not generall Councils, but prouinciall: I aunswere, wee vige not their Canons onely, to rule the Pope, but their testimonies to know the truth of those times and before. For they made an exact and diligent search through all the famous Churches of Christendome, for the Popes Iurisdiction ouer Bishops, and hauing once so famously refuted that Iurisdiction, we take and reuerence their testimonies, which will for euer be held honorable in the Church. Before these times, the religion, sense, and iudgement of the world was not, that any Bishop or Clarke of forraine Prouinces might appeale to Rome, which now is the sense and iudgement of the Court of Rome. The Pope claimeth now this Iurisdiction likewise, to depose Princes, to dis-

solue and vndoe the obedience of subiects; this is now the sense and iudgement of the Court of Rome : but before the time of King *Pipin*, the sense and iudgement of the world ran alwayes contrary. That the Pope is vniuersall Bishop ; and the Church of Rome the head of other Churches, yea, the Pope the head of the vniuersall Church, is now the sense and iudgement of the Court of Rome : but this was not the sense, iudgement, and religion of the Church of Rome before the time of *Gregorie* the first, as the same *Gregorie* doth sufficiently witnesse. That criminous Clarkes should be exempted from the Courts of their Kings, is now the practise and iudgement, sense and religion of the Court of Rome ; but before the yeere one thousand , this was not the sense and iudgement of the world. That the Pope is aboue a generall Councell, is now the sense, and religion of the present Court of Rome : but it was not the sense and religion of the Church of Rome before the time of the Councell of Trent. In like sort of any part of their Iurisdiction whereof here we speake, we are able to point to the time , when it was not the sense, and iudgement of the Church of Rome.


17. About the time wherein *Africa* raigned (who began his raigne in the yeere of Christ eight hundred seuentie two, & died in the yeere nine hundred.) The Popes hauing already intruded vpon the Iurisdiction of Bishops and Archbishops, beganne to make many desperate attempts vpon the Iurisdiction of Kings also : but they were repressed where the Emperours had any power to resist ; and though they assumed Iurisdiction ouer Emperours, yet they brought not all to an effect. *Cranzius* speaking of those times, saith : [The Emperour placed a Bishop in Monster: and maruaile not that a Bishop was appointed by the Emperour ; for this was the Custome of those times, when Emperours had power to place and displace Popes : for there was no free election of Chapters, as now : the Apostolicall confirmation was not then necessary, for whomsoever the Prince did nominate, that man was to be consecrated a Bishop by the next adioyning Bishops. Concerning this Iurisdiction there was a long contention between the Papacie and the Empire, this was the Iurisdiction which the two *Henries*, the fa-
cher

Metrop. Cranzius
lib. 2. cap. 29.

ther and the sonne; which the two *Fredricks* likewise, the Grand-father and the Grand-child, sought long to defend and maintaine: but the sword of the Church preuailed, and forced the Emperours to relinquish their right to the Churches.] By this it may appeare, that before the yeere one thousand, the Popes entred into no great contention with the Germane Emperours concerning this Iurisdiction. But as the contentions betweene the two *Henries*, and the two *Fredericks*, and others, did fully open and reueale to the world the Popes purpose for Iurisdiction: so when it was once reuealed and fully known to the world; it was denied and oppugned by the men of the best learning, that then liued in the Church of Rome: which thing we are more fully to declare hereafter.

CHAP. VII.

How the Papall Iurisdiction was aduanced from the time of the conquest and somewhat before, vntill the yeere of Christ, one thousand three hundred. The meanes raising that Iurisdiction is declared to be by Forgeries, Friars, Oathes, and the parts of the Iurisdiction, inuestitures, exemptions, lawes imposed, appellation, deposing of Kings, and absolving their subiects from faith and Allegiance.

N the time of *William* the Conquerer, about the seuenth yeere of his raigne, *Hildebrand* was chosen Pope, named *Gregorie* the seuenth. This man aduanced the Popes Iurisdiction to an higher pitch, then euer it was before. Now all that power which was extorted from Princes by such violent practises as *Hildebrand* vsed, was afterward supposed to belong to the Popes Iurisdiction. And these late Iesuits make no doubt to tell vs, that all came from Christ, and his Apostles: and that it was a thing neuer heard, that Temporall Princes should meddle

meddle in such matters : and that the Religion, deuotion, sense, and iudgement of all men ranne wholly for it. Wee are therefore to obserue, how the Popes wrested Iurisdiction from temporall Princes. This thing will appeare better, if we take a survey of these times, and of the meanes and parts of that Iurisdiction, which wee finde chalenged by the Popes in these ages.

2. At this time the Popes began first of all to striue for inuasiures. Pope *Gregory* the seuenth began this contention with *Henry* the fourth Emperour : which was the occasion of great warres and blood-shed through Christendome, especially in Germany. I will for the better vnderstanding of these proceedings, with breuity and fidelity report, out of the stories of this time, in what state the Church of Rome then stood. In the time of *Henry* the third Emperour, the Court of Rome was pestered with a sort of men, infamous & prodigious : who taught Necromancy, practised poisoning, set vp, as it were a schoole of vnlawfull Arts, abominable to God, and pernicious to men. One chiefe of this profession was *Theophilactus*, which was afterward Pope *Benedictus* the eight, called *Benedictus* the ninth. This *Theophilact* was Master to *Hildebrand* in his Art Magick, who for his better furtherance in that knowledge, was also instructed by *Laurentius* the Malsilan Archbishop, and by *Iohn* the Archpriest of *S. Iohn de porta latina*. This *Theophilact* gaue himselfe wholly to the sacrifices of deuils, with his complices and schollers, as he had beene instructed by *Gerbertus*, which was Pope *Syluester* the second. By these Masters and meanes *Hildebrand* aspiring to the Papacy, ioyned himselfe in a strict league with one *Brazutus*, who poisoned sixe Popes in the space of thirteene yeres: their names mine Author setteth down in order thus. *Clemens* (this was *Clemens* the second) *Damasus* 2, *Leo* 9, *Victor* 2, *Stephanus* 10. *Benedictus* (this Pope escaped the poison, but was cast out by force and cunning of *Hildebrand*) *Nicholaus* 2. Thus he practised to make way for himselfe to the Papacy, by poisoning all that stood in his way.

3. For redressing of these enormities *Henry* the third Emperour, was entreated by the religious sort of Cardinalis, to
purge

*Beno Cardinal.
in vita & gestis
Hildebrand.
Auent. lib. 5.
Annal.*

Beno Cardinal.

purge the Church of this hellish rabble, that thus pestered it. The Emperor being drawne to seeke some reformation of these disorders, because many Popes vsurped the Papacie at once, he draue *Theophilast* to flight: *Gregory* the sixt, he shut vp in prison, and after that exiled him: he caused the Bishop of Sabinum to relinquish the Papacie, and returne to his owne sea: and he set vp Pope *Clement*. *Hildebrand* was commaunded to goe into banishment with his Master *Gregory* the sixt. This *Gregory* dying in banishment; *Hildebrand* (as the same Author saith:) *Perfidus simul & pecunicius hares exiuit*. That is: [Was heire both of his perfidiousnesse, and of his money.] The Emperours patience, pitifull and too gentle nature is touched by the same Author: *Nimia pietate deceptus, nec Ecclesia Rom. nec sibi, nec generi humano prospiciens, novos Idolatras nimis laxè habuit*. That is: [His gentle nature deceived him, for he gaue too much liberty to these new Idolaters, neither prouiding well for the Church of Rome, nor for himselfe, nor for mankind.] To make short: *Hildebrand* attaining a release from banishment, came to Rome, and there falling to his olde practise, strove to make *Brazutus* Pope, of whose friendship he was assured; their mutuall familiarity being confirmed by many odious and bloudie practises. This is that *Brazutus*, by whose meanes sixe Popes were poisoned, as wee haue declared. But *Hildebrand* perceiuing that the Emperour and the Cardinals were wholly auersed from a man so infamous, and odious: set vp *Alexander* the second. Who perceiuing himselfe set vp against the Emperours will, professed that hee would not keepe the place, without the licence and fauour of the Emperour. For this thing he was well beaten and buffeted by *Hildebrand*, who ruled all, and receiued the reuenues in the time of *Alexander*: and after his death, *Hildebrand* (saith the same Author) was chosen Pope, *eàdem hora à militibus, sine assensu cleri & populi: in cuius electione nullus Cardinalium subscripsit*. That is: [At the same instant by Souldiers, without the assent of Clergy or people: none of the Cardinals subscribed to his election.] *Nauclerus* declareth an vngratious stratagem of his, suddenly practised, to draw the Cardinals to consent to his election. For when the Clergy and

Nauclet. 2. gene-
ration 36.

Auentin. lib. 5.
Nauclet. 2. gene-
ration 37.

people were gathered together for the celebration of the fune-
rall of the former Pope, of a suddaine a cry was raised among
them, that S. Peter had chosen *Hildebrand* for Pope. That this
man may better be knowae, I will set downe the iudgement of
a Councell gathered at Brixia, consisting of a great number of
Bishops and Abbots, out of Italy, Germany, France. These Pre-
lates meeting in a publike Synod together, pronounce *Hilde-*
brand to be, *Falsus monachus, magus, diuinaculus, somniorum*
prodigiorumq; coniectoꝝ, male de religione Christiana sentiens. Pri-
mus omnium (say they there) *Pontificatum maximum contra mo-*
rem maiorum, inuitis oronibus bonis erant, &c. ius humanum diui-
numq; peruerit, falsa pro veris docet, sacrilegia, periuria, menda-
cia, homicidia, incendia, veluti benefacta indulget, collaudat, ad hæc
perpetranda classicum canit, &c. *Suauis homo Sacerdotes qui ux-*
ores habent legitimas, sacrificos esse pernegat, interim tamen scorta-
tores, adulteros, incestuosos aris admonet. [A false Monk, a Ma-
gitian, a Witch, a South-fayer by dreames and ostents, one that
thought corruptly of Christian Religion: the first that bought
the papacie against the custome of his auncestours, against the
good will of all good men: he peruerteth all right humane and
diuine, teacheth falshood for trueth, he fauoreth and commen-
deth as things good and iust these things, sacriledges, periuries,
lies, murthers, burnings, he exhorteth and encourageth men to
these outrages; a sweet companion that denyeth preists that
haue lawfull wiues to say Seruice, but admitteth whoremon-
gers, adulterers, incestuous men to the Sacraments.] This is
the iudgement of a full Councell against his vnholinesse: as *A-*
uentinus and *Nauclet* report.

Tertul. apol. ca. 5

4. This is the man that began the contention for Iurisdic-
tion with the Emperour *Henrie* the fourth. *Tali dedicatore dam-*
nationis nostræ etiam gloriamur: qui enim scit illum, intelligere po-
test non nisi aliquid bonum grande ab Hildebrando damnatum.
For of him wee may iustly vse the same words in the cause of
Princes, which *Tertullian* vseth of *Nero* in the cause of Christi-
ans. *Hildebrand* being made Pope began to moue many con-
tentions with the Emperour, then being *Henrie* the fourth: one
speciall quarrell was for inuestitures. For whereas before that
time

time the auncient custome of the Empire was (saith *Naucler*) *Naucler. Vol. 2. gener. 36.* that when a Bishop was dead, the chapter vsed to send a ring and the pastorall staffe to the Emperour, which the Emperour deliuered to him whom he appointed Bishop of that place: this auncient priuiledge of the Empire *Hildebrand* would not indure, and therefore calling a Councell at Rome, of one hundred and ten Bishops; he cursed *Henrie* the Emperour: and all Bishops that receiued inuestiture at his hands, or any other Laymen. In this Councell he remooued married Priests from Diuine Seruice. But before he proceeded thus farre, he sent first to the Emperour, warning him to remooue all Symoniacall Bishops from their places: the good Emperour either supposing that this might proceed from an honest zeale, or willing to declare that in him there should bee no want in reforming, did accordingly thrust out all such as were suspected of Symonie from their Bishopricks: but behold, *Machiauell* set to Schoole. *Hildebrand* hauing made all these Bishops thus hatefull to the Emperour, and hating him: presently restored euery man to his place againe; and to binde them sure to himselfe against the Emperour, tooke an oath of them all, as mine author saith: *Quos regi infestos reddiderat, eos sibi familiari amicitia reconciliabat; & multis & magnis iuramentis sibi fidos & obnoxios efficiens, pra alijs exaltabat.* That is, [When he had once made them to hate the Emperour, then he reconciled them to himselfe in familiaritie, and hauing made them so obnoxious to himselfe, bound them by many and great oathes, to be true to him; these he preferred aboue all other.] Giuing the best preferments to them.

Beno. Cardin.

5. Hauing thus by subtiltie spoiled the Emperour of his friends, of a suddaine without any lawfull accusation, without Canonically citation, without Iudiciall order; he thundreth out an excommunication against him, depriueth him, absolueth his nobles and subiects from their oath of Allegeance. Whilest he denounced this straunge sentence, the Pue wherein he sat, being made saith Cardinall *Beno.* of new and strong timber, of a suddaine, brake in peeces. *Hildebrand* thus triumphing over the Emperour, began to depose all such Bishops as had receiued

inuestitures frō a Lay-hand: of this right of inuestitures we shall speake in fit place. First, let vs take a viewe and suruey of that Jurisdiction which wee finde practised in this age, and of the meanes whereby the Pope attained thereto. If first we consider the meanes which were vsed for the winning hercof, the Jurisdiction will bee more apparant, and better knownen: which Jurisdiction wee will also declare by the seuerall parts and braunches thereof, so farre as we are able to vnrippe them.

S. I.

*Of the Forgeries whereby this Jurisdiction
was first challenged.*

6. **T**He Popes and the Court of Rome, perceiuing well how much it made for the aduancement to that Sea, if they might be secured for the right and title to this Jurisdiction which they purposed to challenge and practise: And vnderstanding that none would beleue that they had any right to it, vnlesse they shewed some antiquity for it: finding also that they wanted Scriptures, & the testimonie of the ancient Church: began a most desperate and vile practise, to forge antiquities, deuising certaine writings, & fathering the same vpon the ancient Bishops of Rome; all was to make some shew and title to this Jurisdiction, whereof they were so much inamoured. In our dayes there is lesse feare of daunger from these forged Epistles, because they haue bene thoroughly examined and refuted by many learned men, as *Marsilius Pasarinus*, *Laurentius Valla*, *Antonin. Archiep. Florent.* *Nicholaus Cusanus*, *Anaas Siluius*, *Hieronimus Paulus Catalanus*, *Raphaell Volateranus*: all before Master *Luther*. In so much as the learned Papists are ashamed of this stufte, and cannot denie the Forgery: but when first they were deuised, (whether by *Anastatinus Bibliothecarius*, as some iudge, or by some other trusty Champion of the Court of Rome) they carried the world then into such an illusion, that we may well iudge, it proceeded from the deepeness of Satan in subtiltie and falshood, and was receiued with wonderfull simplicitie.

simplicitie and ignorance of that age. For when the fatall time was come that Antichrist must send vp that smoak, wherewith all the truth was darkened: then fell such a iudgement vpon the world, that together with the darkening of Scriptures: learning, knowledge, and iudgement was decayed, and they did with greedinesse beleue lies and forgeries, who could not examine the truth. Then began they to publish new decretall Epistles, vnder the names of *Clemens, Anaclet, Euaristus, Sixtus, Telesphorus, Higinus, Pius, Anicetus Soter, Eleutherius, Victor*: and many others. In whose names, certaine Epistles are framed to claime this Iurisdiction, but so absurd, the stile so vnfit to the ages wherin these Bishops liued, that the learned Papists themselues blush at the forgerie. The argument of all these Epistles is in a manner one and the same, all plead for Iurisdiction: and if this question might be determined by these testimonies, then should they obtaine their Iurisdiction without controuersie. The things which are most of all handled and repeated therein; are, the Primacie of the Pope, the power and authoritie of the Church of Rome; exemption of Clarkes, and appellation to the Sea Apostolicke: these are the things handled and repeated ouer and ouer. The prooffe for all, is fet from, *Tu es Petrus & super hanc petram, &c.* And *pasee oues meas*, and *oraui pro te Petre*: and such like deprauations of holy Scriptures.

7. Heere is the true ground of their Iurisdiction, thus they got it by forgeries: and these forgeries in that age, (such was the ignorance thereof) were nothing suspected: other men, who detested such vile practises measured the mindes of Popes in charitie, by their owne: who would euer haue thought so basely of Popes, that they would haue entred into such dishonest practises? Therefore this Iurisdiction was by many receiued, because they suspected no falshood, in such as should haue beene examples of vertue and godlinesse. But when the knowledge of good learning was raised againe, then began these Epistles to be examined, and were found such as they are. *Bel-larmine* speaking of these Epistles, though glad he would be to maintain them if he knew how, yet dares not denie them to be forged. *Nec indubitas esse affirmare audeam*: saith he. But if

*Lib. 2. Cap. 14.
de Rom. Pont.*

you dare not auouch them to be vnforged : why then dare you auouch that Iurisdiction of the Pope, of which the world neuer tooke knowledge, before these Epistles had deuised proofes for it? And why dare you make vse of such forgeries? For *Bel-larmine* confessing that he dare not iustifie them from suspicion of forgerie : yet laboureth to take vse of them, as pretending that they are auncient : as though antiquitie in falshood could helpe? Or as if a robber and murtherer being taken in the manner and not able to iustifie his action, should plead that *Barrabas* was an auncient robber and murtherer; and thinke to helpe himselfe by that plea. And because vpon this rotten foundation the Popes Iurisdiction is builded : let vs obserue some of the best and most substantiall proofes for Iurisdiction, out of these forged Epistles.

Anaclet. Epist. 1.

8. *Anaclet* is made to say thus for the priuiledges of the Church, such priuiledges as exemption of Clarks, and such like as were introduced after the yere one thousand. *Priuilegia Ecclesiarum & sacerdotum, sancti Apostoli iussu saluatoris intemerata & inuiolata omnibus decreuerunt manere temporibus.* That is, [The priuiledges of Churches and of Priests, the holy Apostles decreed that they should remaine inuiolated for all times. For Iurisdiction, he saith,

Ibid.

Quod si difficultiores orta fuerint questiones, aut Episcoporum vel maiorum iudicia, aut maiores causa fuerint, ad Apostolicam sedem si appellatum fuerit, referantur : quoniam Apostoli hoc statuerunt iussu saluatoris, ut maiores & difficultiores questiones semper ad sedem deferantur Apostolicam, super quam Christus vniuersam construxit Ecclesiam, dicente ipso Petro : tu es Petrus & super hanc Petram adificabo Ecclesiam meam. And againe,

Anaclet. Epist. 2.

Summi sacerdotes, id est Episcopi, à Deo sunt indicandi, non ab humanis aut praua vita hominibus lacerandi, sed potius ab omnibus fidelibus portandi. This is often repeated that scandalous Clarke's must not be accused; yea, though one of them should

Euarist. Epist. 2.

liue most inordinately : *Licet sit inordinatus, quia pro meritis subditorum disponitur à Deo vita rectorum.* For prooffe these Scrip-

Euseb. Epist. 1.

tures are brought, *qui vos tangit, tangit pupillam oculi mei, & nolite tangere Christos meos, & in prophetis meis nolite malignari.* From this deepe Diuinity *Thomas Becket* resisted *Henrie* the se-

cond

cond, and would not suffer the King to execute iustice against robbers, fellons, murtherers, practisers of Treason, if they were Clargie men: he defended them by these Scriptures, as we shall declare hereafter. This witch-craft came from Rome, and from these forged Epistles. *Anaclet* saith again, *Hac sacra sancta Romana, & Apostolica Ecclesia, non ab Apostolis sed ab ipso domino saluatore nostro primatum obtinuit, & eminentiam potestatis super vniuersas Ecclesias*: and to proue all, this is alleadged, *Tu es Petrus, &c.* Another saith, *Si quis vestrum pulsatus fuerit in aliqua aduersitate, licenter hanc sanctam & Apostolicam appellet sedem, & ad eam quasi ad caput suffugium habeat.* And another, *Indicia Episcoporum maioresq; Ecclesia causa, a sede Apostolica, non ab alia (sicut Apostoli & sancti successores eorum statuerunt) cum alijs Episcopis sunt terminanda.* And to proue that scandalous men of the Clargie should not be punished or examined by Lay-men, this reason is often repeated in diuers Epistles, that if since the Apostles times that course had beene taken to punish such, then few or none should now haue beene left aliue in the Clargie: which is a secret confession that all the Clargie of the Court of Rome were at this time of euill and scandalous life and conuersation. *Marcellus* as writing to *Maxentius* the tyrant is produced to say thus: *Synodum absq; huius sanctae sedis autoritate Episcoporum (quanquam quosdam Episcopos possitis congregare) non potestis regulariter facere, neq; ullum Episcopum qui hanc appellauerit apostolicam sedem damnare, antequam hinc sententia definitina procedat.* These and such like are their grounds of Iurisdiction, which need no refutation; for absurdities carie alwayes their owne bane in themselves: this is refutation y-nough for such things to make those things well knowen.

9. These testimonies for Iurisdiction drawn from these forged Epistles, may giue vs occasion to obserue. First, that the Bishops of Rome haue long & greedily gaped after this Iurisdiction, & to obtain their purpose herein haue made no bones at forgerie. As first they attempted that forgerie of a Canon of the Nicen Councell in Saint *Augustines* time, but were then repressed: so the diuell to bring them to greater shame, mooued them afterward to greater forgerie in deuising so many decre-

Anaclet. Epist. 3.

Sixtus. Epist. 2.

Zepherin. Epist. 1.

Marcel. Epist. 2.

2. tall Epistles, to establish this Iurisdiction by this shamelesse attempt, which by other direct meanes they could not doe. Secondly, so greedily are they set vpon this purpose, as men blinded with affection, that they consider neither manner, nor matter, nor coherence: onely the impotent loue to this Iurisdiction carrieth them through thicke and thin : as in many things may be obserued. I obserue onely that which toucheth our question, for in these Epistles this Iurisdiction of the Church of Rome, and appellation to that Church is maintained as from the institution of Christ himselfe, out of these words : *Tu es Petrus, &c.* Now these Epistles must be supposed to be written long before Saint *Augustines* time, when *Zozimus*, *Boniface*, and *Celestinus*, claimed the same Iurisdiction by the forged Canon of the Nicen Councell : for before those times these Bishops liued, who are deuised the authors of these Epistles. If these Epistles had then beene extant, why did not the Popes claime their Iurisdiction by these testimonies, which were supposed to be written so long before the Canons of the Nicen Councell ? What needed they to haue forged a Canon, if they had so faire euidences to shew ? And why did they claime it by a Canon of the Councell, when they might haue laid their claime directly from the commaundement of Christ ?

3. 10. But if these Epistles were not then extant (as certainly they were not) why should any credit bee given to things so manifestly forged ? Why should any claime be made to Iurisdiction vpon such false grounds. Thirdly, we obserue also the cursed obstinacie and affected blindness of the learned Papists. *Bellarmino* and such who know well that these Epistles are forged, and confesse it : knowing that this Iurisdiction of the Pope was neuer claimed *iure diuino*, as from Christs owne institution, before these Epistles by forgerie inuented that claime : are so bewitched in the seruice of the Pope, and in this question of Iurisdiction, that against learning, iudgement, conscience & all, they hold this Iurisdiction to be *iure diuino*, in the grossest sort ; & maintaine it no otherwise then these confessed forgeries haue taught them, by those deprauations, corruptions and distortions of Scriptures, *Tu es Petrus*, and such like. An indiffe-

rent man would thinke, that either they should not confesse these forgeries; or confessing them, they should hate and abhorre these grounds of Iurisdiction, which onely the forged Epistles haue deuised from Scripture. Fourthly, by this we may looke a little farther into the deepenesse of Satan, and behold how the Popes Clarkes lie plunging for Iurisdiction.

II. For the Councell of Trent being awaked at the preaching of Master *Luther* and other, and finding that the corruptions which were brought into the doctrines of the Court of Rome could not bee maintained by Scriptures, being directly repugnant thereto: deuised a very foule shift, to maintaine all by vnwritten traditions. And for this purpose enacted a Canon, that the traditions of the Church of Rome, must be honoured and imbraced with the like honour and reuerence, as the holy Scriptures are honoured. Therefore they deuise the word of God to be either written in Scriptures, or vnwritten in Traditions, which vnwritten Traditions they reuerence for Gods word, no lesse then the holy Scriptures themselves. And if you aske, how shall men trie true Traditions, they aunswere there is no better triall then the iudgement of the Church of Rome. *Ex testimonio huius solius Ecclesie sumi potest certum argumentum ad probandas Apostolicas Traditiones.* By these principles, if they might once haue them graunted, they thinke themselves able to conclude any thing, to delude the holy Scriptures, and to set vp prophane, and Barbarous forgeries in place of holy Scriptures. For if wee denie this pretended Iurisdiction, they will aunswere that it is grounded vpon the word of God: if we demaund, what word they haue for it? They tell vs: *Tu es Petrus*, &c. and such like. If wee say the sense and meaning of those Scriptures doe no way maintaine that Iurisdiction, the auncient Fathers neuer expounded them so: that that sense was neuer drawn from these Scriptures, before these forged decretall Epistles deuised it. To this they will say, they take that sense of Scriptures, which the Church of Rome taketh, and the Pope, who onely hath authoritie to giue the sense of Scriptures. The summe and conclusion of all, is this: the Traditions of the Church of Rome, are to be honoured and re-

4.

*Concil. Trid. sess.
4. decret. 1*

*Bellar. de verbo
Dei non scrip.
lib. 4. cap. 9.*

uerenced with the same honour as the holy Scripture: but these filthy, forged, and corrupt Epistles containe the Traditions, yea, are the Traditions of the Church of Rome: therefore these filthy forgeries of corrupt men, are to be honoured, and reuerenced as the holy Scriptures.

12. Now though some men vnlearned may be caried away with this vaine shew of Traditions, yet wee see not how their learned men can plead ignorance, or excuse, who know that those expositions of these Scriptures, were first forged in the decretall Epistles: these be their Apostolicall Traditions, these be matched with holy Scriptures. I appeale to the conscience of any Papist that either is, or would bee esteemed learned: whether these Epistles be not forged, in his iudgement? And whether the ground of their Jurisdiction be not hence drawn? And whether this Jurisdiction which in these Epistles is maintained, concerning appellation: was not repressed, and vtterly denied by Saint *Augustine*, and the rest of those auncients in the Cartheginian, Affrican, and Mileuitan Councils? Perhaps it is not hard for a man of a leaden heart, and a brazen forehead to rush through these difficulties after the Romane Catholike manner without blushing; but let a man in humility and good conscience, set himselfe to seeke the truth herein, and to giue God the glory, and it will bee impossible for him to wraastle out of these nets, but by confessing the forgerie, and reiecting the Jurisdiction forged.

13. Moreover that it may further appeare, that this Jurisdiction is esteemed all in all, and more then all by these men: and that all other parts of their religion, are not so deare to them, as this: we may further obserue, that as the Pope ouer-ruled the Councell of Trent, so the thing that swayed the Pope, and forced him to resolute vpon this course which now is established by the Court of Rome, in the Councell of Trent, was onely the feare of loosing, and care of maintaining this Jurisdiction. For before the Councell of Trent (which thing we shall hereafter by Gods helpe more manifest at good opportunity) the Church of Rome stood so indifferently affected in the chiefe points of religion: that if the respect and practise of the Pope had not misled

missed them, it may bee well iudged, they would haue beene more ready to assent to the conclusions of Master *Luther*, and *Iohn Caluin*, then to those that are established in the Council of Trent: so indifferent stood the world before that Council. For after that time that they had begun to challenge this Iurisdiction, & before the Council of Trent, the Popes were alwayes afrighted at the name of a generall Council; as *Paul. Iouinus* witnesseth, otherwise a flatterer of the Popes: for he saith thus. *Id vnum concilij nomen supra ceteros infalices humanarum rerum casus, maximo terrori Pontificibus esse consuevit.* That is, [The onely name of a Council, more then all other humane incident miseries is wont to be a great terrour to Popes.] He giueth the reason there, why the Popes were so much afraid of Councils, because saith he, in them questions of faith & religion are interpreted, & the Popes Iurisdiction censured & curbed. *Ad castigandam sacerdotum luxuriam censorias leges condunt, ipsi Pontifices Pontificio iure circumuentione eiecare supremam dignitatem, seq. de mum Pontificatu abdicare coguntur: hoc metu armati reges, Pontifices terrent.* That is, [Councils make lawes to chastise the luxuriousnesse of Priests. The Popes themselues circumuented by the Popish law are compelled to resigne the Supream dignitie, and to relinguish the Papacie.]

Paul. Iouinus li. 2. historiarum.

Ionius ibid.

14. So that before the Council of Trent the Soueraigne Iurisdiction was neuer held to be in the Pope, seeing the Church being gathered together in a Council did vse to exercise Iurisdiction vpon the Popes. For if the Popes were wont so much to feare and flie a generall Council in regard of censuring and inhibiting their Iurisdiction; then must these conclusions follow: That the Council of Trent was not a generall Council, because the Pope was not afraid of it: that the Popes themselues did acknowledge, that the Iurisdiction of a Council was aboute their Iurisdiction: for otherwise why should the Pope be afraid of a free Council? So that if the Council of Trent had beene like to those Councils which the Popes did so much feare; it might haue giuen as good satisfaction to true Christians, as now it doth to the followers and flatterers of the Court of Rome. And before that Council, there was great hope that

card. Contaren.
tract. de iustific-
catione.

it might haue bin so. For the minds of al good men were maruei-
lously prepared to peace, and to a mutuall consent. And for the
points of doctrine, if the Friars and such as were by them infe-
cted, had not troubled all, the truth might haue preuailed. For
Cardinall *Contaren* made a good preparation to the doctrine of
iustification : which being the greatest point in controuersie, is
handled by him conformable to the doctrine of *Luther* & *Cal-
uin*, and directly against that which was concluded in the Coun-
cell of Trent : this he wrote in the yeere one thousand five hun-
dred fourtie and one, a little before that Councell. The Car-
dinall therein teacheth nothing, but that which was before him
the knowen doctrine of the Church of Rome ; from which be-
cause the Councell of Trent swarued, therefore they made the
separation, and not we. This wisdome and moderation of Car-
dinall *Contaren* and others of that side, gaue great hope to Ma-
ster *Bucer*, and some other of this side ; to labour for an agree-
ment and mutuall consent : and assuredly there was great reason
to hope it. For if the rest had beene of that spirit and moderati-
on which Cardinall *Contaren*, *Georgius Cassander*, *John Ferus*,
Master *Antonius Flaminius*, *Espeus* and many others, a mutu-
all consent would haue beene obtained. But will yee haue the
truth ? the points of faith and doctrine, were not the things
which most hindered this concord ; for in these things many of
that side were very conformable, and-moe might haue beene
drawen : but there was another thing which crossed all peacea-
ble purposes ; this was the Popes Iurisdiction. If it had not bene
for this Iurisdiction, the doctrine of *Luther* might haue beene
easily granted : for what taught he, which was not before him
taught in the Church of Rome ? I graunt that the contrary was
also taught by Friars : for in the Church of Rome before the
Councell of Trent, some taught after the manner of the new de-
uised doctrines which Friars brought in : others taught the truth
preseruing the auncient doctrines in most points, till that time,
as by their writings extant appeareth. So that if the Councell
of Trent had beene indifferently chosen of learned men then
liuing : and if their voyces had not bene forced and forestalled
by an oath of obedience to the Pope, and to satisfie his lust : (a
desperate



HENRY VIII.—After Holbein.

desperate practise declaring a desperate cause) things might haue beene aswell concluded against the Iurisdiction of the Pope; and faction of Friars, as now all is for them.

15. And because wee haue so often mentioned, and are so often to mention the Councell of Trent, seeing we wholly reject it, and our aduersaries wholly rest vpon it: it may bee expected that wee should giue some reasons why we disable it so much: I may answere, the reasons are in the doctrines and conclusions themselues, which are thoroughly and worthily examined by Master *Chemnissus* and others. But ouer and besides the falshood of doctrines, which are concluded there directly against the manifest truth of holy Scriptures, we haue also these iust exceptions; that, that Councell was neither a generall, nor a free, nor a lawfull Councell. Generall it was not, because if we consider these Westerne parts of Christendome, for the benefite whereof that Councell is pretended to be gathered, the greatest part was excluded from that Councell. For all England, Scotland, Ireland, all France, and all Germanie that are Protestants, will make a farre greater part, then all the rest that consented to that Councell: so that it was a Councell held of a small part against the greater part. The King of England by publicke writing, protested against it, when first it was appointed by the Pope to be held at Mantua, the reasons which King *Henry* alleaged against it are these: [That it belonged not to the Pope to call Councils, but to the Emperor & to the Kings of Christendom: that the Pope himselfe was to be censured by the Councell, and therefore Italy was no fit place for it: that there was no caution made to him and his Embassadours, and Bishops for their safe conduct: that though there were publike caution giuen, yet the practise of Popes in breaking their faith, and violating publike cautions, and sucking the blood of innocent men was too well knowen. In fine the King giueth aduise to all other Princes, and Magistrates, to gouerne their owne people, to establish true religion, to reject the Popes tyrannie, as hee had done.]

The Councell
of Trent.

Not a generall
Councell.

John Sleidan.
lib. II.

16. The French King made like Protestation against this Councell of Trent, for the Abbot of Bellosan the French Kings

Sleidan lib. 22.

Embassadour, obtaining admittance into the Councell (though not without great difficultie) in the middest of that assembly, against the expectation of many, deliuered the Kings protestation thus: [That it was neither safe nor fit for him to send his Bishops to Trent, that he held not that assembly for a publike and generall Councell, but rather for a priuate conuenticle; gathered not for the common good, but for the pleasure and profite of some few: that neither he himselfe, nor any of his kingdom should be bound by those decrees: and if need required that he would vse such remedie to restraine the Popes, as his Auncestours had vsed before.] Thus did these Kings then protest against that Councell especially because it was called by the Popes authoritie, who had no right to call generall Councils. And both these kingdoms, and the Churches therein, haue withstood the authoritie of this Councell: yea the French Church of Papists would neuer admit the Councell of Trent: so that it is not onely disallowed of vs, but by a number of them who professing to follow the auncient Church of Rome, yet vtterly reiect this Councell of Trent, as swaruing from the Church of Rome. Of the Princes of Germanie there is no doubt made, but that they would neuer yeelde consent to it. Then generall it cannot be, when as so many and so great a part haue withstood it: yea a farre greater part then they can make who held it.

The Councell
of Trent not
free.

17. And whereas in all ancient generall Councils the freedom and libertie of Bishops; and of all that had voices in Councils was neuer impeached: in this Councell of Trent it was quite otherwise, for none might be admitted to haue voice therein, but only such as should be bound in an oath of bondage and slauerie to the Pope. And therefore when the Embassadors of *Maurice* Duke of Saxony came to the Councell and proposed from their Master these petitions; [That the forme of safe conduct might be made for his Diuines, according to the forme which the council of Basill graunted to the Bohemians, that is to say, that these particulars might be expressed therein, that they also with other might haue deciding power, that in euery controuersie the holy Scriptures, the practise of the auncient

Sleidan lib. 23

cient Church, the ancient Councils and Fathers agreeing with Scriptures, and founding them vpon Scriptures; might be admitted and receiued for the most true and indifferent iudge: (for thus much was contained in the safe conduct graunted by the Councell of Basill to the Bohemians) that there might bee no proceeding till his Diuines came: that when they were come, all things precedent might be recalled, that the Councell might be free for all nations: that the Bishop of Rome might submit himselfe to the Councell, and remit that oath which he had taken of the Bishops which were of the Councell; that their voyces might be free, and without such euident partiality and preiudice as they brought with them, who were bound by oath to doe nothing against the pleasure of the Pope: these petitions were reiected, freedome vtterly excluded; partiality and prejudice maintained with resolution.

18. And that the same Councell of Trent was not a lawfull assembly, it is no lesse euident; because it was not called by lawfull authoritie: for it was called onely by the Popes authoritie, who neuer had authoritie to call generall Councils. And though *Charles* the fift then Emperour, was at the first drawen to yeeld a consent, yet the Pope would neuer allow that the Emperour should haue the authoritie to call the Councell, and to appoint the place (as alwayes it was the Emperours Iurisdiction in auncient Councils) but this Iurisdiction the Pope by vsurpation drew to himselfe in the Councell of Trent: Inso-much that when the Emperour vtterly disallowing the translation of the same Councell to *Bononia*, wrote to them and sent his Embassadour *Vargas* to protest against them that he would hold all as vaine, friuious and unlawfull whatsoeuer they did, teaching them not a Councell, but a Conuenticle: *Montanus* the Popes Legat answered, that it should neuer be indured that the Ciuill Magistrate should haue authority to call Councils, or to appoint the place thereof. To this purpose the Pope also writeth to *Charles*, that the Emperour hath no right herein, but the Pope himselfe is the man: *Qui solus iure diuino & humano cogendi consilia, & decernendi de rebus sacris potestatem obineat*. This authoritie then being vtterly denied to the Emperour

Lex diuina, praxis Christi, Apostolica, & Ecclesie primitiue, una cum consilijs doctoribusq; fundantibus se veraciter in eadem pro verissimo & indifferente iudicio in hoc Basiliensi consilio admittentur. consili. Basil. sess. 4. Epist. 4.

The Councell of Trent not a lawfull Councell.

Slieidan. lib. 19.

Slieidan. lib. 16.

perour for calling the Councell of Trent: we say that Councell was an vnlawfull assembly, because it was not gathered by the authority of the Emperour, and of Christian Kings. And when it was thus gathered, neither a generall Councell, nor a free, nor a lawfull Councell; yet as it was with all these foule faults, it could not serue the Popes turne, vnlesse singular fraud and deceit had bene practised. *Olaus Magnus* was intituled Archbishop of Vpsala, and blinde Sir *Robert* a Scottishman was intituled Archbishop of Armach in Ireland: so that for want of true Bishops, some were set vp onely in name to fill vp the number, and giue voices.

19. And when all other shifts would not serue, the Pope still reserued one for the last cast. The greatest part of them that were present, had a purpose to curb the Popes Iurisdiction, especially the Spanish Bishops, who saith *Sleidan* were most diligent in this Councell. These combined with those few Germane Bishops which were there, resolved saith he; *Pontificks Sleidan, lib. 23. Romani potestatem intra certos fines includere, nec illius aulam tantum facultatis in omnes prouincias attribuere.* That is, [To reduce the Popes authority within some bounds, and not to yeeld such power to that Court ouer all Prouinces.] The Pope fearing such a thing afore, prouided that the greatest part of Bishops, should be Italians: none might be admitted of any other Nation, but such as were made obnoxious to the Pope, as well by some other respects as by an oath. If any were obserued to speake in the Councell, with some freedome (as some did) especiall marke was taken of such: these were withdrawen and recalled thence, that other might take their place. Of this the Protestant Princes complaine to *Charles: Fuerunt in eo concessu Sleidan, lib. 17. pauci quidem aliquanto liberiores in dicendo, sed muenta ratio fuit, ut is renocatis atq; summotis, alij summitterentur nequiores.* That is, [Some were in that company who vsed some freedome of speech: but a meanes was inuented to remoue and recall them that other more seruite might be in their places.] The Pope thus giuing continuall direction to the Councell, and appointing by intercourse of messages continually traueiling betweene Rome and Trent, what should be concluded: (insomuch that a
common

common prouerbe was then taken vp among them, that the holy Ghost trauelled from Rome to Trent in a packet) and finding that after all this, his purposes were crossed by a certaine number of voyces, the number being precisely brought vnto him: began to flie to his last reserued shift. For of a suddaine he created thirteene Cardinals in one day, all Italians; to whom hauing giuen vncertaine titles, but certaine instruction, he sent them to the Councell: whom the other Fathers of the Councell welcomed not knowing their end. At the next meeting the matters being proposed as before, it was found that the voices of these that were come so lately, did alter all; and cast it at the Popes pleasure: and yet their wretched pollicies rested not thus. If any were supposed to excell in knowledge, grautie, learning, and godlinesse, they were (some before the Councell, that their presence should not hinder or disturbe the Popes purposes: some afterward) secretly taken away by poyson: this was the end of that worthy Cardinall *Contaren*, and others: who for their eminency in vertue, were suspected of Lutheranisme. And that the world might know and take full notice of the Popes end and scope in calling this Councell, that it was not the true faith and religion of the Germanes that hee sought, but their blood, it is euident by his practise. For whilest thus they held the Germanes, and all the world in expectation of a Councell; the Pope in the meane time, raised an army and sent it against the Protestants, to be ioyned with other armies prepared for their vtter destruction. The generall of the Popes armie, *Ostanius Farnesius* (Graundchild to Pope *Paulus* the third, by whom hee was sent) departing out of Italy was obserued to say, [That he would destroy so many Germanes, that his horse might swimme in the blood of Lutherans. This is their holy Councell of Trent, consisting of a fewe, and those fewe bound by an oath to the Pope, restrained, prohibited, poysoned, and at last with many shifts drawen to serue a purpose: assembled without lawfull authority, called by the vsurped power of the Pope, drawen and pulled by fraud and subtiltie, ending in blood and warres: and remaining the onely cause of all the warres, which haue beene raised within

Q

these

Sleidan. lib. 14.

Sleidan. lib. 17.

these westerne parts of Christendome since that time to this day.

S. II.

Of Friars, by whom this Iurisdiction was maintained.

20. MY purpose being to note the meanes by which this Iurisdiction hath beene aduanced: I thinke it needfull after forgeries to speake of Friars. For they haue beene the chiefe aduancers of this Iurisdiction, and the fittest instruments that the Pope hath found for his purpose. *John Wicliffe* in diuers places declareth (out of assured knowledge of storie, himselfe being neere those times, and therefore more able to iudge therof) that before the yeere of Christ one thousand two hundred, there were no Friars in the world. About which time *Dominicus* a Spaniard, and *Francis* an Italian began their new orders. *Fasciculus temporum* setteth their beginning about the yeere one thousand two hundred and foure: and that they were confirmed by Pope *Honorius* the third, about the yeere one thousand two hundred and fourteene. *Ordines quatuor mendicantium* (saith he) *videlicet Prædicatorum, Minorum, Augustinensium, & Carmelitarum confirmantur ab Honorio, præponuntur Prædicatoribus Minoribus in literis Papalibus, quia sex mensibus ante eos confirmati fuerunt.* *Matthæus Palmerius* setteth the confirmation of the Dominicans in the yeere one thousand two hundred and sixteene. Of the Franciscanes, in the yeere one thousand two hundred twentie and three: so that *Wicliffe* hath a good ground for that assertion, that Friars were neuer known in the world before the yeere one thousand two hundred.

Wicliffes complaint to the King and Parliament. art. I.

Fasciculus temp.

21. This was the first thing that made the alteration of the Church of Rome famous. For before the institution of Friars, the doctrines of the Church of Rome stood sound and vnchanged in most things. The alteration was afterward wrought especially by these Friars, both in doctrine & Iurisdiction. For at the first Friars were set vp to oppresse the old Priests, to alter the

the auncient religion, and to exalt the Popes power in a greater measure then it was before. In which businesse they haue not beene idle, but taking directions onely from the Pope, haue brought in a great chaunge in all things. *Wicliffe* obserued, that Friars pursued, imprisoned, and burned Priests onely for reprouing their sinnes. So that then questions of doctrine made not the quarrell betweene Priests and Friars, but only the reproofe of the corrupt and vncleane liues of Friars : as in corruption they began, so they continue. And this is testified by others also, that the first cause of the Popes persecutions was not for doctrine, but onely for the Popes Iurisdiction. *Reinerius* writing against the Waldenses, testifieth thus much : that they differed from the Church of Rome in no point of doctrine, but onely they denied the Popes Iurisdiction. *Hæc secta Leonistarum* (for so they were called) *magnam habet speciem pietatis* (saith he) *eo quod coram hominibus iuste uiuant, & benè omnia de Deo credant, & omnes articulos qui in Symbolo continentur; solam Romanam Ecclesiam blasphemant & oderunt.* So that all the heresie which then was found in them, was onely against the Popes Iurisdiction, they swarued not from the doctrines of the Church of Rome, but the Friars made the alteration from that auncient doctrine. Then howsoever since that time some Popish writers, vpon humour and partialitie haue charged them in points of doctrine : yet the writers of that age, and neere it, euen their aduersaries, do therein iustifie them, and shew that the quarrell was not for points of doctrine, but only for the Popes Iurisdiction. And it is worth obseruation, that the same *Reinerius* confesseth that there was no origin of this sect knowen, some, saith he, affirme that this sect hath continued from the time of *Siluester* : others thinke it continued from the time of the Apostles, himselfe concludeth that out of question, it is ancienter then any other sect. Then out of doubt, they were much more auncient then Friars, and Friars were raised vp, partly to this end, to pull them downe.

The first cause
of persecution
by Popes : not
for doctrine,
but for Iurisdiction.
Reinerius

22. And that this was an end of the institution of these orders: to make some chaunge in that ancient religion, which before stood in the Church of Rome in some tollerable measure,

and to vex and persecute the professors thereof, and especially to bring in a new Iurisdiction of the Pope: it will better appeare if wee consider what hath bene in the beginning of their institution, and since obserued of their innouations, libertie, luxuriousnesse, and what desolation they haue brought into the Church. That these men may better be knownen, I will note what *Iohn Wickse* and some others haue obserued.

*Wickse lib. de
fudam. legum
Angl. cap. 36.
pag. 424.
Companit. pag. 9*

Friars taught (saith *Wickse*) that the King of England is not Lord of the Clargie, but that the Pope is their Lord.

Friars so streitched the priuiledges of the Clargie, that though an Abbot and all his couent ben open traitours conspiring vnto death of the King and Queene, and other Lords; and inforce them to destroy all the Realme: the King may not take fro them an half-penny, ne farthing worth.

Ibid. pag. 14.

When Parish-churches ben appropred to men of singular religion (that is to Friars) such appropriation is made by false suggestion, that such religious men han not ynough for lifelode and healing, but in truth they han ouer much.

Let me obserue this by the way, as being now better instructed in the opinion of *Iohn Wickse*, concerning tithes. Whereas he seemeth to be against tithes, it is to be vnderstood (as he doth in diuers places open himselfe) against tithes as then they were abused by Fryars. For Fryers then had power from the Pope to appropriate tithes to their Couents, by which meanes tithes came into their possession. This thing *Wickse* thought vnlawfull, and would haue had tithes reduced to their ancient vse againe: now let vs returne to his obseruations. Fryers sayen, that their religion (founded on sinfull men) is more profitable then that religion or order which Christ himselfe made. They sayen also that begging is lawfull, the which is damned of God, both in the old Testament and in the new. Fryers after they had procured impropriations, and left a poore Curat in place, drewe also from Curats their office and Sacraments: they got the confession of Lords and Ladies. They pursuen true Priests, and letten them to preach the Gospell. Christ chargeth all his Priests to preach the Gospell truely, and they pursuen them for this deed; yea, to the fire: they will flea Priests, for they
doe

*Treat. against
Friars pag. 19.
p. 24.
p. 28.*

*p. 55.
p. 30.*

doe Gods bidding. When the King by his officers prisons a man, that is commonly done for great and open trespassse, and that is good warning to other misdoers, & some profit comes of the Kings Ministers : but when Friars prisonen their brethren, the paine is not knowen to men, though the sinne were neuer so open and slaunderous, and that does harme to other Liegemen. Friars sayen, that they han more power then the Curat, and thus they make dissention and discord among Christian men. Friars labour to roote out true Priests that preach Christs Gospel, themselues han their chamber and seruice like Lords or Kings, and senden out idiots full of couetise, to preach not the Gospell, but Chronicles, Fables, and leesings to please the people, & to rob them. And yet for sending of those couetous fooles that ben linitors goes much Symonie, enuy, & much foule Marchandise. And who can best rob the poore people by false begging and other deceits, that shall haue this *Iudas* office and so a nest of Antichrists Clarkes is maintained.

They shew not to the people their great sinnes, and namely to mighty men of the world, but pursuen other true preachers, for they will not glose mighty men, and comfort them in their sins. Thus mighty men hire by great costs, a false traitour to lead them to hell. Friars deceiuen the people in faith, and roben them of Temporall goods, & make the people trust more in dead parchment, sealed with leesings, and in vaine prayers of hypocrites, that in case ben damned deuils, then in the holy helpe of God and their owne good liuing. Friars peruert the right faith of the Sacrament of the Auter, & bringing in a new heresie, saying there is an accident withouten subiect : which heresie neuer came into the Church, till the foule sende Satan was vnbounden after a thousand yeeres. Friars vndoe Parish Churches, by building other needlesse (meaning Abbeyes, and Priories, &c.) They destroy the obedience of Gods law, & magnify singular obedience made to sinfull men, and in case to diuels, (this is blind obedience brought in by them) which obedience Christ insampled neuer, ne in himselfe, ne in his Apostles.

Friars being made Bishops robben men by extortion, as in punishing of sin for money, and suffren men to lie in sinne, they

- p. 38. beare out the gold of our land to Aliens, and sometimes to our enemies, to get of Antichrist false exemptions. They teach Lords and Ladies, that if they die in *Francis* habite, they shall neuer come to hell. They are neither ruled by Gods law, ne
- p. 41. lawes of the Church, ne lawes of the King. They ben the
- p. 42. cause and procuratours of all warres. They say apertly, that if
- p. 45. the King and Lords, and other standen thus against their false begging, &c. they will goe out of the land, and come againe with bright heads: and looke whether this be treason or none.
- Ibid.* They teach and maintaine that holy writ is false, and so they putten falsnesse vpon our Lord Iesus Christ, and vpon the holy
- p. 47. Ghost, and vpon the blessed Trinitie. Friars teach that it is not lawfull to a Priest, or any other man to keepe the Gospell in his bounds and cleannesse, without errour of sinnefull men, but if
- p. 50. he haue leaue thereto of Antichrist. Friars by hypocrisie binde them to impossible things, that they may not doe, for they binden them ouer the commaundements of God, as they say themselues: (hence are works of supererogation.) They burne
- p. 52. Priests and the Gospell of Christ, written in English to most honour of our Nation. They call the curse of God, the lesse curse; and the curse of sinfull men, the more curse. They distroyen this
- p. 53. Article of Christian mens faith: I beleue a common or generall Church. For they teachen, that tho men that shall be damned, be members of holy Church: and thus they wedden
- p. 54. Christ and the diuell together. They waste the treasures of the land, for dispensations and vaine Pardons. They ben most
- p. 57. subtrill and priuy procurators of Symonie, and most priuily make Lords to maintaine the Pope and his robbing our land of treasure by his Pardons, Priuiledges, first fruits of Benefices in our land; and Dismes, and Subsidies.

23. By this wee may in part see those innouations, which Friars brought into the Church, raysing a new Iurisdiction to the Pope, defrauding and robbing the King of his auncient Iurisdiction: these are they who first taught, and practised obedience to another Soueraigne then the King, conspiracy against the life of Princes: impropriations, turning tithes first from their true and auncient vse: persecution for preaching the Gospell; exemptions,

exemptions ; the vse of Legends in the Church, and reading of fables to the people : Symonie, flattery, pardons, indulgences : the heresie of an accident without a subiect : singular and blind obedience ; the vse of commutation of penance into money : they were instruments of warres and bloodshed, they inuented works of supererogation, the doctrine that reprobates are members of the Catholike Church : to robbe the land of money. These are the things in part which are obserued by *Wicliffe* to haue bene first inuented by Friars. Now whereas *Iohn Wicliffe* was reputed an hereticke, wee finde that this imputation was laid vpon him especially by Friars. For he was a professed enemy to them, and to their innouations, holding with the Church of Rome, and maintaining no other doctrine, then that which he found publikely maintained and receiued in the world, before Friars altered it. Still he pleadeth the cause of the Priests against Friars, which sheweth that he taught no otherwise then those Priests did teach. And albeit the Friars did marueilously disorder the Church in his time, yet hee witnesseth that the third part of the Clergie of England defended the truth against Friars. Then the Friars being set vp to alter the auncient doctrine and Iurisdiction, and to induce new: did labour herein throughly imploying their best skill and power, for the aduancement of the Pope, and suppressing of the truth. Heerein the Iesuities succeed their forefathes, in this inheritance of innouation, daily adding some new monsters, to those which these old Friars left to their hands.

Confess. de Sacram. pag. 64.

24. The Vniuersitie of Paris hath likewise declared their iudgement against Friars, somewhat before this time wherein *Wicliffe* liued. They gathered seuen Articles against Friars, which because they proue Friars to be the authors & introducers of innouation in the Church, I will here set them downe. [First, we say, that Friars are not to be admitted into our Scholasticall societie, except by our consent : because the societie ought not to be coact but voluntarie. Secondly, because wee haue found by experience, that their fellowship hath bene many wayes hurtfull and dangerous to vs. Thirdly, seeing they are of a diuerse profession from ours : for they are regulars, and wee schollers ;

Extat catalog. test. veritat. Tom. 2. p. 798.

schollers; we ought not to be ioined or mingled together in one scholasticall office. For the Spanish Councell saith, Thou shalt not plow with an Oxe & an Asse, that is, thou shalt not associate men of diuers professions together in one office : for how can they agree together, whose studies, vowes, and purposes are diuers? Fourthly, because they raise dissentions & offences, but the Apostle saith : we beseech you brethren that you obserue them, that is, that you discerne such as make dissentions for the doctrine which you haue learned of the Apostles, and eschewe them; for they serue not the Lord, but their belly. Gloss. for they flatter some, they backbite others, that they may fill their bellies : and by glossing words and their benedictions they beguile the hearts of the simple. Fifthly, because we feare least they bee such as enter into houses, because they thrust themselves into euery mans house ; they search and sift the consciences of men : & seduce such as they find like women ready to be seduced. And who they haue once seduced, them they draw from the Councils of their owne Prelates, to their Councils : for they bind them by oath to their Councils, such the Apostle commaundeth to eschew. Sixthly, because we feare they are false Prophets, for they are not Bishops, nor Parish-priests, nor their Vicars, nor by them inuited : yet they preach, being not sent, against the Apostle saying, *Rom. 10.* How shall they preach except they be sent. For they worke no miracles, thereby to witnesse that they may preach: the Church then ought to auoid such men, being so dangerous. Seuenthly, because they are curious, and hauing no lawfull calling in the Church, they busie themselves with other mens businesse, & thrust themselves into other mens callings: and yet they are neither Apostles, nor their successours; that is, Bishops, neither are they of the seenty and two Disciples of the Lord, neither their helpers, or Vicars, as before is said. Now the Apostle commaundeth vs to eschewe such as will liue so : saying, *2. Thess. ult.* We declare brethren to you in the name of the Lord Iesus Christ, that you withdraw your selues from euery brother that walketh inordinately, and not according to that tradition which they haue received of ys, &c.]

25. Thus haue we set downe the sincere iudgement of that Vniuersitie, before it was corrupted and infected with Friars. They haue prooued that Friars haue no lawfull calling in the Church to preach, or administer the Sacraments; because they haue no institution of Christ or his Apostles. And howsoever since those times the iudgement of that Vniuersitie was chaunged, after they had once receiued these serpents into their bowels: yet the reasons which they haue brought against Friars, are vnchaungeably true, and will alwayes prooue that which then they prooued, that neither the old Friars, nor the new Iesuits, haue any lawfull calling in the Church. As thus they haue beene the bane of the Church in chaunging the old bounds: so they haue beene the ruine of Princes, and the cause of great warres and bloodshed, yea of all the persecutions that haue bene since. For before that time that the orders of Friars were brought forth by a new and monstrous birth in the Church; there was no bloodshed nor persecution offered by the Pope, nor the Church of Rome, for matters of Religion. *Berengarins* was forced to a Recantation before, but no blood was shed. But after that *Dominicke* had instituted the order of the Iacobites, or preaching Friars; and *Francis* the order of the Minorites, professed beggars: then began great bloodshed and persecution to be practised vpon men, that did not allow the Popes Iurisdiction: in blood was it first founded, and so it hath bene euer since maintained.

26. The first persecution began against them, that were called *Albigeneses*: whose opinions are made hainous by some that write affectionately since that time; but by the writers of that time there appeareth no other thing wherewith they were charged: but onely that they withstood the Popes pride and Iurisdiction; for which they were persecuted. The Earle of Tholouse who fauoured them, was depriued of his Earldome, his landes were giuen to *Simon Monford*: the forces of the French and the Pope were raised against him: when they were not able to vanquish him by force, by fraud and falshood of the Friars and Popish Bishops, they ouerthrew him. In this ouerthrow of the Earle, the industry and valour of *Dominicke* is

R

much

*Albegeſij, quorū
dogma nemo ad
hunc diem notus
ſcriptor reliquit:
& cum hereti-
cos eos vocent,
genus tamen he-
reſeos prætere-
unt. Naucler.
generat. 41.*

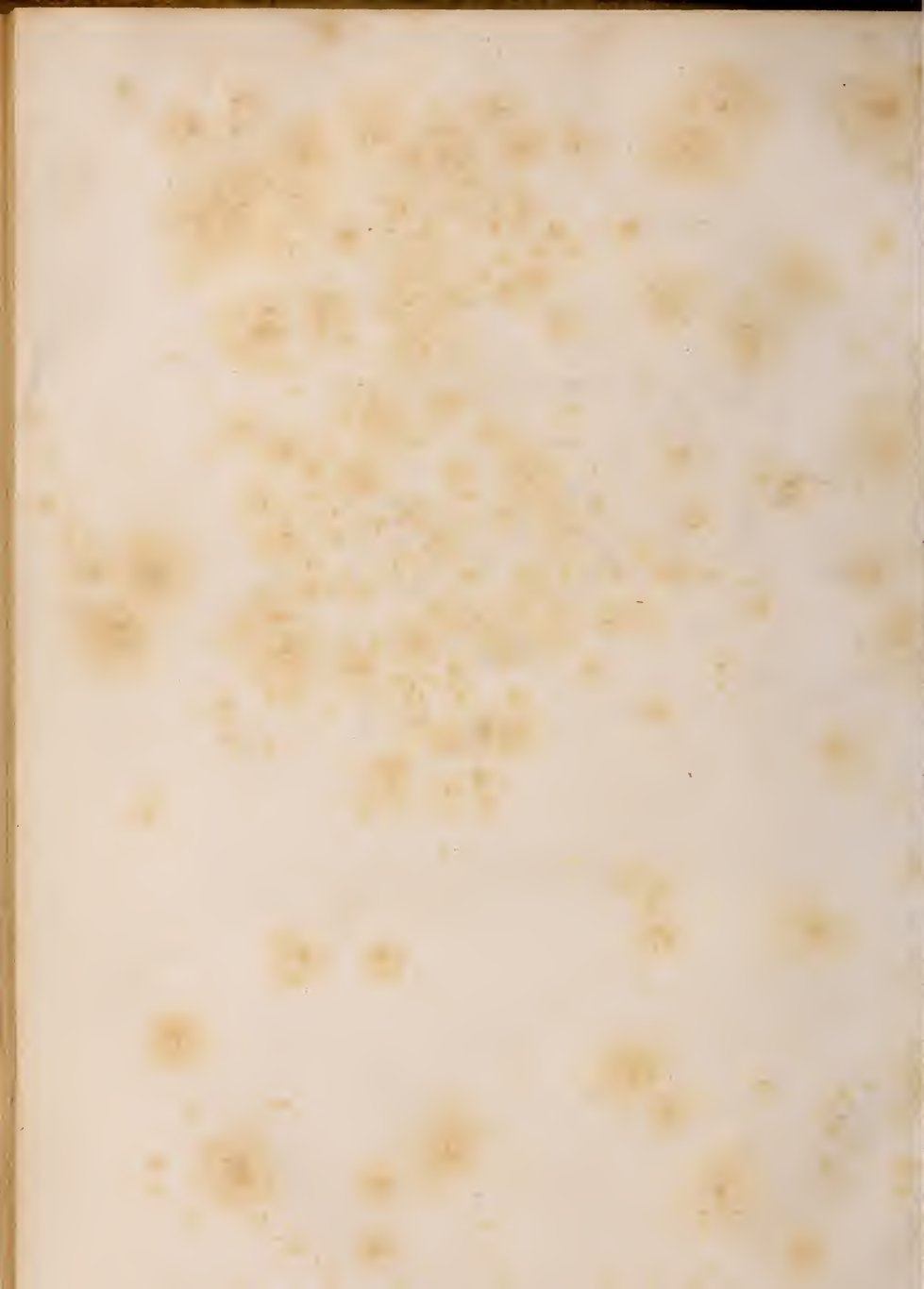
Platin. Inno-
cent. 3.

much celebrated by the stories of this time. Inſomuch, as the whole praiſe is attributed to him: of him *Platina* witneſſeth thus much. *Quos (Albingenſes) Dominicus mira celeritate compeſcuit, adiuvante etiã Simone Monteforti: non enim diſputationibus verum armis opus fuit, adeo inoleverat tanta hereſis.* That is, [Whom *Dominicke* did ſpeedily overcome, by the helpe of *Simon Monford*: for there was not ſo much neede of diſputation, as of armes, that hereſie was ſo rooted.] Then we vnderſtand the end why Friars were inſtituted, by their firſt and chiefe imployment: they were founded in blood, in treacherous practiſes againſt Princes, for the ſervice of the Pope. Wherein wee behold the endes of ſuch Councels as the Pope calleth, and wherein he is Preſident: as the Councell of Lateran, and the Councell of Trent. For as vpon the time of holding the Lateran Councell, the firſt Friars were ordained, and allowed by the Pope; ſo vpon the time of the Councell of Trent were the Ieſuites confirmed to be an order by Pope *Paul* the third: after both Councels, great warres and bloodſhed followed through Chriſtendome; wherein the Friars were the Popes inſtruments, and the procurators of the warres at both times, and euer ſince.

27. As theſe firſt orders of Friars increaſed in number, ſwarming like Locuſts vnder the Popes protection; he like an experienced Captaine, providently ordered his troupes, and ſet them to their ſeverall tasks: ſome to writing of books, ſome to the practiſes of ſtate againſt Princes. By thoſe that were ſet to write, as *Aquinas*, *Scotus*, and ſuch like, the alterations of doctrines were brought into the Church of Rome firſt: ſo that herein appeareth their full & finall end, in raiſing vp rebellions; firſt againſt God, and corrupting of the truth: and then againſt Princes, by impugning their ſoueraigne authoritie and Iuriſdiction. In both which practiſes, the Friars take continuall direction from the Pope, by whoſe power they were created, by whoſe authoritie they ſtand, from whoſe ſpirit they breath, and for whoſe ſervice they are deuoted, and reſolved to ſpend their breath and blood. In theſe practiſes, the Ieſuites being the laſt brood, ſtrive to ſurpaſſe all other, for their audacious corrup-
ting



S^t THOMAS D'AQUIN.



ting of the truth, and outrageous interprises against the liues of Princes. For which in the end, they will vndoubtedly drawe vpon themselues the anger of God, and of the Princes of Christendome. I haue stayed the longer in these descriptions, for the honour of the Iesuits, that their descent and progenie, may be knowen: that we may behold the aduancers of the Popes Iurisdiction: which Iurisdiction will the better appeare, if the first and chiefe aduancers of it, might be well knowen.

§. III.

Of Oathes exacted by the Pope.

28. **A**Nother especiall meanes of aduancing this Iurisdiction, was practised by exacting Oathes: which is also much practised now; because by experience they finde great vse of it; an Oath being the greatest bond of humane societie, and the fittest meanes to ingage men throughly in any cause: the first exacting of Oathes, was from Archbishops, and Bishops, by which meanes their Allegiance was strangely withdrawn from their Soueraigne Princes. Whereas then first princes for their owne safetie, and for the safetie of their Countrey, vsed to exact an Oath of Allegiance, aswell of the Ecclesiasticall, as Temporall subiects: The Popes began to withdraw the Clergie from this obedience, and Allegiance; and so farre they preuailed, that the Friars taught, that the King of England was not lord of the Clergie, but that the Pope was their lord: as we haue declared from *Ioh. Wicliffe*. And now the Pope beginneth in these desperate dayes, to forbidde them of the laity, to take the Oath of Allegiance to their Soueraigne: whereby as they began to steale away the hearts of the Clergie first, from the true and lawfull obedience of their Soueraignes; so now proceeding in the same course with the laity, what will they leaue to Kings in the end? And because this containeth an especiall mysterie of Iurisdiction, therefore we thinke it needfull to be plainly opened.

29. That Kings did out of dutie and Allegiance, exact an Oath of their subiects, euen of Bishops; and had the same yeel-

ded as a due homage to them, and confirmed also by decrees of Councils: it is well and worthily obserued of late, by that booke written most learnedly and exactly, intituled, *Triplici nodo triplex cuneus*. Where this vse is confirmed from the practise of the fourth *Toletan* Councell, held in the yeere sixe hundred and thirtie: and from the fift *Toletan* Councell, held about the same time. And from the sixt *Toletan* Councell held in the yeere sixe hundred seuentie and sixe. And from the tenth *Toletan* Councell, gathered in the yeere, sixe hundred ninetic and foure: as also from the Councell of Aquisgrane, in the yere eight hundred thirtie and sixe. We may adde (though it be needlesse) some fewe and finall obseruations thereto. It appeareth, that this practise of taking an Oath of Allegiance of subiects, is drawen from the law of nature, as necessary for the preservation of States, and it seemeth to be as auncient as the gouernment of States. For *Lycurgus* the first founder of the State of Lacedemon, hauing once well ordered that State by good lawes: tooke an Oath of them all that they should preserve those orders till his returne from the Oracle: that is alwayes. If any thinke that this was not an Oath of Allegiance to the State, I suppose it will be hard to distinguish betweene an Oath to preserve the lawes, or to be true to the lawes; and an Oath to be true to the State. For it is certaine, that the State of Lacedemon, was preserved by those lawes in great honour and felicitie, for the space of five hundred yeeres, as the same Author reporteth: Or as hee saith in another place, for sixe hundred yeeres; and vpon the breach of those lawes came in the ruine of that State, as the same Author doth often obserue. This declareth the antiquitie of this Oath, as proceeding from the law of nature; which yeeldeth this helpe to States for the necessarie preservation of themselves. For which cause it hath bene practised, whensoever the State thought it needful: for after the kings were driuen out of Rome, *L. Brutus*, and *Collatinus Tarquinius* being chosen Consuls: *Valerius Publicola* grew so offended, because himselfe was not respected in that choise, that he retired from the Senate, & from all publick action to a priuate life. This thing drewe the Senate into some suspicion of his Allegiance. Wherefore *Brutus* the Consul called all the Senate to a solemne Oath

Plutarch *Lycurgo*.

Plutarch *ibid*.
Plut. *Agefil*.

Oath of Allegiance: which Oath *Valerius* first of al others took most cheerefully. Thus in the danger of the State, they had recourse to this practise as the most lawfull, and assured helpe of States. And *Scipio Africanus* is much commended in the Romané stories, for vsing this practise in the danger of that State: for when hee vnderstood that some had a purpose to forsake the State, hee caused them to take an Oath to bee true to the State, and not to forsake it. After the same manner was this Oath of Allegiance ycelded by the Church of the Iewes of old. For *Iosephus* reporteth, that *Augustus Caesar* required an Oath of Allegiance; which Oath, saith he, all the nation of the Iewes did take, sauing onely the Pharises. And therefore these Pharises, he describeth to be seditious and intollerable stirrers in States, euen such as the Friars prooued afterward. The words of *Iosephus*, though they be long, yet I will set downe; because they open the practise of this Oath of Allegiance, the consent of the auncient Church of the Iewes, and the seditious and pestiferous practise of the Pharises, that the Iesuites the broode of these Vipers may the better be knowen: his words are these.

*Plutarch. Pub-
licola.*

*Lini. Plutarch.
Scip.*

[There was a sort of men among the Iewes, glorying in the scrupulositie and subtiltie of the law, by hypocrisie and simulation, counterfeiting the holy worship of God, by whom women were much moued and drawen, &c. These were called Pharises, who had great power, either to helpe, or to hurt the kings State. For they were troublesome, seditious, the stirrers of wars, iniurious and immoderate prouokers of trouble without cause or ground. For when the whole nation of the Iewes bound themselues by an Oath to be faithfull and true to *Caesar*, and to obey him, only these Pharises did not sweare: these were in number somewhat aboue fixe thousand, whom the King punished with a mulct pecuniarie: which summe of money the wife of *Pherora* disbursed for them. But they, to recompence this her great liberalitie, tooke vpon them the foretelling of things to come, as men forsooth indued with diuine inspiration: they prophesied that K. *Herods* end was at hand, decreed by the diuine Maiestic, and the end of all his issue, and kinred: and that this woman their Benefactour with her husband *Pherora*, and

*Ioseph. antiquit.
lib. 17. cap. 3.*

the children descending of them, should be Kings. When this practise of the Pharises, came to the Kings knowledge, he killed them as stirrers of sedition and traitours to the State.] Thus saith *Iosephus*, Whereby we vnderstand that this Oath of Allegiance, was well approoued of the Church of the Iewes, and onely denied by the seditious Pharises, who then inueigled women and weake men, and by such meanes stirred rebellions, as now their successors the Iesuites doe. In like manner was this Oath practised in the Church of Christians, as appeareth by the testimonies before cited, and by these that followe. The second Synode of Rhemes was gathered about the yeere nine hundred and ninetie: against *Arnulphus* Archbishop of Rhemes, where it was witnessed of that Archbishop; that in the presence of the Kings, and Bishops and Clergie, and people, he was of his owne consent bound by an Oath, that to the utmost of his skill and power, he would be true and faithfull in Councell and aide to his Prince: the manner and forme of his Oath is set downe thus. *Ego Arnulphus gratia Dei praeueniente Rhemorum Archiepiscopus promitto regibus Francorum Hugoni, & Roberto me fidem purissimam seruaturum, consilium & auxilium secundum meum scire & posse in omnibus negotijs praebiturum: inimicos eorum nec consilio nec auxilio ad eorum infidelitatem scienter adiuturum.* And so it proceedeth with a long execration vpon the breake-

*Synod. Rheme
cap. 5.*

Ibid. cap. 6.

*Naucley. Vol. 2.
generat. 39.*

30. *Naucley* doth likewise obserue, that *Fredericke Barossa* Emperour, perceiuing that the Pope by his excommunications practised secret conspiracies, drawing subiects from Allegiance, from faith and obedience; to preuent these new and subtile practises did exact an Oath of Allegiance of all Bishops vnder his Dominions: commaunding the Popes Agents to bee excluded from Germany, vnlesse hee sent for them. The same exclusion of the Papall Legats was often vsed by the Kings of England and France, after that these Princes perceiued, that the end of such Legacies was to strengthen the Popes excommunications, and to stirre the people to rebellions, or to robbe the land of treasure. The same *Fredericke* did also forbid his subiects to appeale to Rome, and to goe thither.

By

By this iniunction of *Fredericke*, the Popes Legate being forced to trudge home, returning to Pope *Hadrian*, made a grievous complaint; the Pope hereupon wrote a letter to the Emperour; which because it openeth the Popes meaning concerning the Oath of Allegiance, I will here set it downe.

Hadrian the fourth, servant of Gods servants, to Fredericke Emperour of Romanes, health and Apostolicall blessing.

31. **T**He law of God promiseth a long life to them that honour their parents, and threatneth the sentence of death to such as curse their Father or Mother. And we are taught by the voice of the truth it selfe, that hee that exalteth himselfe, shall be brought lowe. wherfore my sonne beloued in the Lord, we maruaile not a little at your wisdom, for that you seeme not to yeeld so much reuerence to S. Peter, and the Church of Rome, as you ought to doe: for in the letters which you wrote to vs, you set your name before curs: wherein you doe incurre the note of insolency, that I may not say arrogancie. what shall I say of the Allegiance by you promised and sworne to S. Peter and to vs? How can you keepe that Allegiance, seeing that you your selfe require homage & Allegiance of those that are Gods? That are the sons of the most high? (that is Bishops) and you haue held their hallowed hands in your hands: & manifestly declaring your selfe contrary to vs, you shut out our Cardinals, not onely out of your Churches, but euen out of your Cities: Repent therfore, repent we aduise you: for whilst you seeke the Crown and Consecration at our hands, we feare that seeking more, you will loose that which you haue.

Nauder. 2. gene. rat. 39.

The Popes singular humilitie.

32. By this wee perceiue the Popes meaning, in denying that Kings ought to exact an Oath of Allegiance of Clarke: especially of Bishops, for they finding that the Oath of Allegiance draweth subiects to the obedience of Princes, resist it by all possible meanes: because the Popes seeke Soueraigne Allegiance: which cannot be performed both to the Pope, and to Princes: so that if the Popes purposes stand, ciuill obedience to Princes cannot stand. And howsoever the Iesuities cauill at the late Oath of Allegiance by Parliament enacted, quarrelling against it, as if it were not a meere Ciuill Oath: yet this is but their friuolous exception, for it is euident by this Epistle of the Pope, that an Oath of meere Ciuill Allegiance, standeth against the Popes purposes. For this Oath which *Fredericke* exacteth, was for meere Ciuill Allegiance; and yet the Pope denieth that the Emperour ought to take such an Oath of Bishops: the reason was that which *Iohn Wicliffe* descried, because Bishops must be the Popes subiects, not the Kings. This was also a part of that quarrell, wherewith *Thomas Becket* troubled the State in his time; for he hauing first taken the Oath of Allegiance to King *Henrie* the second; afterward repenting, sought to be absolued of the Pope.

33. Then this Oath of Allegiance to Kings, was in vse before we finde it exacted by the Pope: the Pope did first exact it of Archbishops. The first that I can find to binde himselfe in an Oath to the Pope, was *Boniface* tearmed the Germane Apostle, Archbishop of Mentz, an English man by birth named *Winefride*. For Pope *Gregorie* the second, desirous to draw the Germanes vnder the yoke of his ceremonies (the Christian religion being long before planted among them) sent this *Winefride*, otherwise called *Boniface*, to reduce all to the obedience of Rome as much as might be. For this purpose he exacted an Oath of *Boniface*, the forme of the Oath is extant in *Auentinus*, thus: [In the name of our Lord and Sauour, *Leo* being Emperour, &c. I *Boniface* promise to thee *S. Peter*, which wast the chiefe of Christs Apostles, and to *Gregorie* who now representeth thy person, and to all thy successours by the Father, the Sonne, and the holy Ghost, &c. I vow by this thy holy body, that

The like Oath was exacted of all the Cities of Italy, vnder the Empire, by *Henry* the fifth Emperour. *Naucler. 2. gener. 38. Howeden. part poster.*

Auentin. Ann. lib. 3.

that I will follow the sincere truth of Christian pietie , as long as my life and strength last, I will keepe concord, I will shunne persons excommunicated, I will giue notice of lying sects , of pestiferous errours against the decrees of our Elders, to the Bishop of Rome.] This Oath carrieth a shew of great moderation, being compared with the formes of those Oathes which succeeding Popes exacted.

34. We declared before how *Hildebrand* caused the Emperour *Henrie* the fourth, to displace certaine Bishops: and presently after that he had made a breach betweene the Emperour and them, he restored them all to their seuerall places againe ; and exacted an Oath of them, to be true to him, the forme of that Oath I find not : but it seemeth that then an Oath was exacted much in preiudice of Princes. For *Anselme* Archbishop of Canterburie, by reason of that Oath which then the Popes exacted, was emboldened to raise a contention with *William Rufus*, about inuestitures. And *Thomas Becket* by vertue of the like Oath, contended with *Henry* the second : for that vpon the quarrell for inuestitures, Bishops were strictly tied to the Pope by an Oath, we finde in the contention which was betweene Pope *Paschalis* the second, and *Henrie* the fift Emperour. For when *Henrie* the fift had bene set vp by the Pope, to raise warres against his owne Father, and had at the Popes instigation, robbed him of his Empire and life : he himselfe found afterward the same measure at the Popes hands, which his Father had found before him ; for claiming the right of inuestitures as belonging to the auncient right of the Empire, he was denied : the matter brake out into a tumult, in which tumult Pope *Paschalis* was taken, and being in the Emperours power, graunted and confirmed vnto him the right of inuestitures. From which graunt the Pope reuolted afterward, and shewed himselfe more vehement in this quarrell, then any before him. After some stirres and contention, the Pope held a Synode at Treca in France : this Synode was held in the yeere one thousand one hundred and seuen. Wherein the Bishops of Germanie were suspended by the Pope, for doing any part of Episcopall function, (saith *Vßpergensis*) because, fauouring the

Auentin lib. 5. Emperor, they were not present in this Synode. And *Auentinn's* faith, that all they that were present, were bound by an Oath to the Pope, to obey him herein : *A singulis Episcopis*, saith he, *insurandum exactum futuros in potestate Romani Pontificis*. That is, [An Oath was exacted of euery Bishop, that they should be in the power, and at the pleasure of the Pope.]

35. Thus were Kings robbed of their strength, when Bishops were by an Oath so bound to the Pope, that what hee commaunded, they must doe. And if the Pope listed to quarrell Princes for their auncient rights and priuiledges, it was enough for him to say, those priuiledges of Princes were matters Ecclesiasticall or Spirituall, and must therefore belong to the Pope : and not to Temporall Princes. What thing could more weaken Princes, and bring them to that poore state, that the Pope might triumph ouer them, as he did, then this subtile practise whereby Bishops, who before with other subiects held their Allegiance inuiolated to their Soueraignes ; were now by a new policie of Popes, brought by Oath to the Popes subiection, and forced to violate their Allegiance to their Princes. Consider then what seruice Princes may expect from Popish-bishops, who are so bound by Oath to the Pope, that they can doe no seruice either to God, or their Prince (if it be against the Pope) but they must violate their Oathes. And this is the great bond of their spirituall Iurisdiction, as they call it. The Popes haue wrested from Princes their auncient right by violence, excommunications, warres, and great bloodshed : these rights of Princes thus withdrawen from them, the Popes hold as matters of their Iurisdiction : and to strengthen them herein they bind Bishops and other chiefe of the Clergy, by Oaths to themselves, against their owne Kings : these practises set the Pope in the possession of this Iurisdiction.

Onuphrius in Pio 4. 36. *Onuphrius* speaking of that Oath which all Doctors tooke that were to be made Bishops, doth at large set downe the forme of it : and among other particulars, this : *Romano Pontifici B. Petri Apostolorum principis successori, ac Iesu Christi vicario, veram obedientiam spondeo. ac iuro*. This Oath was ministered to all that proceeded Doctors ; which was the cause that some

some men of great worth and learning, refused to take that degree in those dayes : for besides other daungers, it brought two great mischeifes vpon them, that tooke it. The first concerning Allegiance of subiects to their kings; the second concerning Bishops or Doctors that might be called to a Councell. For if a quarrell fall betweene the King and the Pope, it is hard for any man to be a true subiect to the King, that taketh such an Oath to the Pope. Especially when the Pope must interpret that obedience which is vowed and sworne to him, in such a sort, as that it includeth a contradiction to the faithfull seruice and Allegiance, which euery Subiect oweth to his King. Moreouer, if a Councell should bee called to determine Religious affaires, and to reforme the abuses of the Court of Rome, how can sinceritie and indifferencie bee expected of them, that are aforehand bound by Oath to the Pope, and ingaged so farre that as a Pope chargeth the Bishops of Germanie, they cannot speake the trueth against the Pope, but they breake their Oath. And therefore since this Oath was exacted of the Clergie, there were neuer such free, sincere, and holy Synodes held, like to those which were in former times. But of all Oathes or voves, that is the most seruile, which the Iesuites by vertue of their Order professe to the Pope, that they will serue him, as Christs Vicar.

M. Gilpin.

Pius 2. ad Monachum. capit.

Chemnit. exam.
part. 1. cap. 1.
Ex Andradio.

37. These Oathes by the Pope were first exacted of Archbishops, though in proceesse of time, they came to bee farther imposed. To this purpose there is a Canon in the Decretals of *Gregorie* the ninth, which Canon because it openeth somewhat, both of the reason and antiquitie of this Oath, I will set downe the whole. Thus it is; *Significasti Reges & regni maiores admiratione permotos, &c.* That is: [You signified to me by your Letters, that the Princes and Barons of the Kingdome, were moued with admiration, that the Pall was offered you by our Apocrisfaries, (that is *Chaplanes*) with this condition, that you should take that Oath which they brought you written from vs. Let them in like sort maruell at our Lord Iesus Christ in this cause : Who comitting the charge of his sheepe to *Peter*; put thereto a condition: saying, If thou louest me, feed my sheepe.

De elect. & elect.
post. cap. 4. Significasti.
Apocrisfarius, id est, responsalis negotiorum Ecclesiasticorum.
Hincmarus Epist. 3. Nosstrates capellanum appellat. Idem ibid.

Hoc enim amplius ut Exigamus, malum nos, illo permittente compellit.

Hoc nimirum male, ac necessitate compellimur, iuramentum pro fide, pro obedientia, pro veritate require.

Anno 1099.

Now if the creator of consciences, and searcher of secrets vsed this condition, and that not once, but the second time and again, till he had made him sorie: What care then ought we to haue that so great a Prelatship of the Church bee not by vs committed to our brethren, whose consciences we know not. They object that all Oathes are prohibited by the Lord, and that this practise of exacting Oathes, is not found either established by the Apostles of Christ, or by Councils. What then is that which the Lord addeth as next following: That which is more then this is of euill. For euill compelleth and forceth vs (the Lord permitting) to exact this which is more. For is not this euill, to start from the Church, and obedience of the Sea Apostolicke? And to breake out against the constitutions of Canons? Which many haue done, after their Oath to the contrary. We are therefore compelled by this euill, and by necessitie to exact an Oath for Fealtie, for Obedience and Vnitie. They object that this thing is not established by Councils: as though any Councils may prescribe a Law to the Romane Church, seeing all Councils are by the Authoritie of the Bishops of Rome enacted, and haue their strength. And in their Canons the Popes Authoritie is manifestly excepted.]

38. The Reader may be intreated hence to obserue: First, that this Oath in the time of *Paschalis* the second, who wrote this (for *Gregorie* the ninth Collected it from him) was receiued with great admiration, both of Temporall Lords, and of the Archbishop himselfe, as a thing neuer practised before that time. Then we haue the antiquitie of imposing such an Oath. Secondly, we obserue this cursed boldnesse of the Pope, in peruertering Scriptures to serue his pride and lust. Without which blasphemous abuse of holy Scriptures, this Iurisdiction could neither at first haue beene imposed; nor since maintained. Thus hee handleth all the Scriptures that he meeteth withall, as in these few words two diuers Scriptures. Thirdly, he graunteth that euill compelled him to this, God onely permitting, which is as if he should say: The diuell compelleth and driueth him to it, God onely permitteth. He who acknowledgeth thus much, is wittingly and willingly the seruant of the diuell, and of that euill

euill which by his owne confession compelleth him. Fourthly, he reiecteth the authoritie of the Apostles and Councils, as being himselfe aboute them. Fifthly, his reason is to bee noted, drawn from Scripture: Christ saith, That which is more then this is of euill; therefore the Pope may exact an Oath of Archbishops. And the Popes Canons hauing once expounded this Scripture thus; it must alwayes be the true sense of it: For that say they is the true sense which the Pope giueth. Sixthly, where we find this Oath exacted of an Archbishop, accounted a thing so strange by the Barons of the land: We collect that the Pope at the first required this Oath of Archbishops onely, which was the cause that mooued many Archbishops to ioyne with the Pope in the pursuite of this new Iurisdiction against their owne Soueraignes. And hence we see a reason, why *Anselme* withstood the King against the liking and consent of all the Bishops of the land, as we shall hereafter declare: Because this Oath was exacted of Archbishops, *Anselme* had taken it. For (as by this Canon it appeareth) it was conueyed with the Pall to the Archbishops, if they will haue the Pall, besides the other price, they must take this Oath. But the Bishops as then had not taken the Oath, which made them freer to withstand *Anselm*. Seuently, and last of all, obserue what kind of Oath the Pope required: An Oath of Allegiance, And therefore the summe and purpose of that former Canon, is thus set downe in the Edition of *Gregorie* the thirteenth. *Electo in Archiepiscopum sedes Apostolica Pallium non tradet, nisi prius præstet fidelitatis & obediencie iuramentum.* That is, [The Sea Apostolike will not deliuer the Pall to any Elect for Archbishop, except he first take an Oath of Fidelitie and Obedience.] Then the Oath which the Pope requires, is an Oath of Allegiance. By this the purpose, reason, Antiquitie, and honestie of this Oath may the better appeare.

• 39. Besides this Oath which Popes haue exacted of the Clergie, they haue laboured to bring the Emperours also vnto their obedience by an Oath: There is the forme of an Oath set downe, *Dist. 63.* as exacted by Pope *Iohn* the twelfth, of *Otho* the first Emperour: but because in that distinction there is much

D. 63. cap. 33.

counterfeited stuffe thrust in, as that Canon which beginneth *Ego Ludonicus, &c.* which *Carolus Molinaus* hath by irrefragable proofes manifested to be forged; therfore this is to be suspected to be of the same kinde. And this thing seemeth so vnlikely, that there is no reason to receiue it, without better story, then the Popes Canons: For *Otho* the first was a Prince of great worth, wise and valiant; and *Iohn* the twelfth, a Pope that deserueth no better Titles of the Historiographers, then a Monster and a Beast. Neither was this Emperour at any time in the power of that Pope; but the Pope in his; for *Iohn* the twelfth helped *Beringarius* and his sonne, against *Otho*, which caused *Otho* to bring an Armie against him: And as *Luitprandus* saith, *Iuramentum Othoni Papa Iohannes supra pretiosissimum corpus Petri praestitit, se nunq̃ Beringario & Alberto eius filio auxiliaturum.* *Naucles* saith, that this *Iohn* (whom he also calleth a Monster and a Beast) hauing intelligence that two Cardinals wrote to *Otho*, to call him to Rome, cut off the nose from the one, and the hand from the other. Then for any Oath that *Otho* should take to the Pope, we finde nothing in Storie but the contrarie. True it is, that *Henry* the fourth Emperour was forced by *Hildebrand* to such an Oath: for this Emperour being by him excommunicated, his Nobles and Bishops falling from his obedience, was driuen to come bare-foote with his wife and little sonne, in a sharpe frost to Canusium (where the Pope then lay) and to stay at the gates of the Citie all night: and though in greatest humility he intreated pardon, yet *Hildebrand* was so busied (forsooth in company of his Harlots) that the Emperour was forced to attend three daies in this grieuous affliction, before he might haue access to his holinesse. And when hee came before him, he must be contented to be bound by an Oath to stand to the Popes iudgement: that at the pleasure of the Pope, before the triall of his cause, he should be ready either to leaue or to retaine his Kingdom: that he should vse no Princely habite or ornament in the meane time: that hee should not vndertake any part of gouernement: that he should not exact an Oath of Allegiance of his owne subiects: that hee should neuer reuenge this wrong vpon the Pope. When he had thus hampered

*Luitprand. lib.
6. cap. 6.*

*Naucles. 2.
Generat. 33.*

*Naucles. Generat
36.
Schardius hy-
pomn.*

hampered the Emperour with an Oath, and with such strange and mercilesse conditions (such is the Popes mercy where he is Master) behold a stratagem, a president of humility, godlinesse, patience, mildenesse of a Pope, he set vp *Rodolph* Duke of Sueuia against him in battell.

40. The Popes hauing once extorted an Oath of the Emperour, were desirous vpon such presidents to make lawes: for they had no other meanes to build vp their Iurisdiction: therefore when as first by force they extorted some Oathes, afterward they set such examples in their Canons, and last of all they expounded those Oathes, which sometimes Emperours tooke, to be Oathes of Allegiance to the Popes. For this purpose there is a Canon in the Clementines: *Clement* the first confesseth that *Henry* the seventh Emperour, refused the Oath which he would haue imposed vpon him: and so doe other stories witnesse, that the Emperour refused to take that Oath. But if we will beleue *Clement* in his Canon, *Henry* afterward yeelded to that Oath, but would not acknowledge that it was an Oath of Allegiance, because the Emperours neuer sweare Allegiance to Popes, but Popes to Emperours: therefore *Clement* in that Canon, declareth that these (which some Emperours yeelded to some Popes) were Oathes of Allegiance. *Declaramus* (saith he) *inramenta predicta fidelitatis existere & censeri debere*: That is, [We declare that the foresaid Oathes are, and must be accounted to be, Oathes of Allegiance.]

41. By this we see how highly they would aduance the hornes of this Iurisdiction. And still we finde this confirmed, that the Oath which is giuen to the Pope, is vnderstood an Oath of Allegiance. And to certifie vs yet more fully of their meaning; it is set downe not onely as a law in their Decretals, but published as an ordinarie Ceremony, which al must take knowledge of. In the booke of their Ceremonies it is said that an Oath is to be ministred to all Emperours, before their Coronation, and before they enter the territories of the Romane Church. The Oath is there thus set downe: [I will exalt the Pope, *secundum meum posse*, & *vitam*: hee shall neither loose

Naucles. Gener. 43.

Lib. 2. tit. de inramentis.

See the answer to this Canon, cap. 8. by *Marsilius* and *Occham*.

Sacrar. ceremon lib. 1. sect. 5. cap. 2

tion:

tion: In Rome I will make no Decree, or ordination of any thing that belongeth to his Holinesse without his councill.] In the same booke and place before cited, it is said that *Fredericke* the third Emperour tooke that Oath.

42. In this Mysterie of Oathes they haue proceeded so far, as to exhibite an Oath not onely to the Clergie, but to the temporall subiects of other Princes, whom they may poyson and peruert, by reconciling them to the Pope; which as it is a practise most dangerous to them that are so taken, and insnared as Birds in the net of their owne destruction, so is it no lesse pernicious for such Princes from whose obedience these are drawn: whereby the Pope seemeth to bring the question of Jurisdiction to an issue with the Princes of Christendome, whether he shall ouerthrow them, or they him: for it is not possible that both should stand vp together: for what is left to Princes, if their Crownes and the hearts of their subiects be taken from them? Or what is it, that Princes can haue a more tender feeling of, then of their Crownes, and of the hearts of their subiects? And what is more forcible to steale away the hearts of subiects from their Prince, then to binde them with an Oath of Allegiance to another Prince? Then these men that haue bound themselves by an Oath to the Pope; how is it possible they should performe true Allegiance to the King? For that the Oath which is exhibited to the Pope, is an Oath of Allegiance and fidelity; the Popes themselves by their Decretals haue assured vs. And if you will seeke it out, this you shall finde to be the true reason, why Pope *Paulus* the fift in his late Breues hath forbidden the Recusants of this land, to take the Oath of Allegiance to the King, because they haue taken an Oath of Allegiance to the Pope. Now it is not possible that a man should performe Allegiance to two Soueraignes: if one be vassal to the other, happily one may hold Allegiance to two; as for example, a Tenant may sweare homage to his Land-lord, and to his Prince also: but this cannot be done to two Soueraignes. And if one shall take an Oath of Allegiance to diuers Lordes, it is concluded, that if the Pope be one of those Lords, he must be obeyed before all other whatsoeuer. Then it

August. Anconit. lib. de potest. Sccl. q. 22. art. 3. & 4.

is

is not a Fatherhood in the Church, that the Pope striueth for, but a power ouer Princes, by weakning and vndermining their authority, withdrawing the hearts of subiects; exacting an Oath of Allegiance of all whom they can reconcile: and not permitting their Conuersts to take an Oath of Allegiance to their owne Soueraigne Princes. And because we find that moderate and conscionable Papists, as Master *Hart* in the conference with Doctor *Reynolds*, and such like, being driuen to vnderstand the cause aright, cannot chuse but iustifie our cause, and will not yeeld to the Pope, a Princehood ouer the world, but onely a Fatherhood of the Church: not graunting to him a power to depose Princes: confessing also that the power which we giue to Princes, is not vnderstood of themselves, for they, before they will vnderstand our cause, thinke that wee meane to giue as much to the Prince, as they doe to the Pope: therefore we haue reason to rest herein assured, that if the Iesuites entred not into the Popes battels with a Pontificall furie, the Pope would vtterly be forsaken in this, wherein all moderate spirits haue already forsaken him: or if hee would relinquish this part of the quarrell, which hee maintaineth against temporall Princes, happily he might make himselfe much more stronger then he is, or possibly can be, by following this course; But as the end is not Religion, but a worldly Principality that they shoot at, so the meanes which they vse, are not the courses of moderation, conscience and religion, but of force and furie; they will haue all, or loose all. Wherein the wisdom of the Iesuites will be called into great question, for setting the Pope vpon such desperate courses, at least for being the onely instruments of these new and furious practises, which doubtlesse will in the end make an end of his Kingdome.

John Hart
Epist. to the
Reader, and
chap. 7. diuif. 7.

Hart. chap. 10.
diuif. 2

s. III.

Of Inuestitures.

43. **H**Auing spoken somewhat of the meanes, whereby this Iurisdiction was sought, wee are now to speake of the partes of this Iurisdiction, as wee finde the

ſame practiſed at this time, when it was at his height. The partes of this Iuriſdiction ſo much purſued by Popes, we gather to be theſe : power ouer Biſhops, power ouer generall Councels, Inueſtitures, exemption of criminous Clerkes, the Popes power in giuing lawes, appellation; and laſt of all, a power to depoſe and depriue Kings: In all which the Pope hath proceeded *de facto*, to practiſe that power whereunto hee neuer had right. The two firſt we purpoſe not to ſpeake of here, becauſe of the firſt we haue ſpoken already, Chapt. 5. Of the ſecond we purpoſe to ſpeake in the laſt Chapter; the reſt ate here to be handled in Order: and firſt of Inueſtitures.

44. The firſt Pope that claimed Inueſtitures, was *Hildebrand*. *William Malmsbury* ſaith, *Hic (Hildebrandus) quod alij inuſitauerant palam extulit, excommunicans electos qui Inueſtituras Eccleſiarum de manu Laici per annulum & baculum acciperent*: That is [He openly by excommunication thruſt out them that had taken Inueſtitures of Churches from a Lay hand, by a Ring and a Staffe: which thing before *Hildebrand* other Popes had not done.] Whereunto all the Hiſtories of this time giue conſent, declaring that the firſt claime that the Popes made for Inueſtitures, was begunne by *Hildebrand*: And becauſe that the Popes were ſo peremptoric herein, raiſing and continuing ſo great and ſo long a contention about this thing, therefore it is thought by many that this right of Inueſtitures was the Churches right, and conſequently the Popes. And that Emperours and Kings did vſurpe it by inuaſion and intruſion, firſt, priuately, and then more publiquely: We are therfore to ſecke out this point, to whole right Inueſtitures did aunciently belong, whether to Kings or to Popes. Now that they were a part of the auncient right of Emperours and Kings, it is witneſſed by *Gratian*: for he bringeth an ancient teſtimonie which doth witneſſe, That Pope *Hadrian* did intreat *Charles* the great to come to Rome, and defend the affaires of the Church; and that there the Emperour held a Synode, in which this auncient right was confirmed to him by Pope *Hadrian*: *Hadrianus autem Papa cum vniuerſa Synodo, Carolo ius & poteſtatem eligendi pontificem, & ordinandi Apoſtolicam ſedem, dignitatem quoque pa-*

*Malmsb. l. 3. de
geſtis reg.
Anglor.*

*Naucier. 2. gener
36. & generat.
36.*

*Deſtin. 63. cap.
22. Hadrianus.*

tritatus ei conceſſerunt: Et Epiſcopos per ſingulas prouincias ab eo Inueſtituram accipere definiuit, ut niſi à rege laudetur & Inueſtiatur Epiſcopus, à nemine conſecretur. That is, [Pope Hadrian with the whole Synode graunted to Charles the right and power of chooſing the Pope, and ordaining the Sea Apoſtolike, and the priuiledge of the Romane Nobility; and defined that Biſhoppes through all Prouinces ſhould take Inueſtitures from him: that a Biſhoppe ſhould be conſecrated by none, vnleſſe he were firſt inueſted by the Emperour.] Thus much is alſo teſtified by *Sigebert* and many moe. The ſame is confirmed by Pope *Leo*, who graunteth this to be the right of *Otho* the firſt, as *Hadrian* did to *Charles*: for thus ſaith *Leo*: *Othoni primo Teutonicorum Regi eiſq; ſucceſſoribus, &c. perpetuam facultatem eligendi ſucceſſorem, & ſummæ ſedis Apoſtolice Pontificem, ac per hoc Archiepiſcopos ſeu Epiſcopos, ut ipſi ab eo Inueſtituram accipiant.* [To *Otho* the firſt, Germane Emperour, and to his Succeſſours, &c. We grant the choſing our ſucceſſour, the Biſhop of the chiefe Apoſtolicke Sea, and by this to choſe Archbiſhoppes and Biſhoppes, that they may receiue Inueſtitures from him.]

45. In both theſe Decrees, as wel of *Hadrian* as of *Leo*, there is *Anathema* denounced to the violators thereof: Now *Hildebrand* was the firſt violator of them. The things which the Popes decree in their Conſiſtory, in a full Synode, vnder *Anathema*, are things which muſt be vncchangeably kept, or els there may be errours and vncertainty in the Decrees of his Holines, which the Ieſuites will not confeſſe. But ſome of late preſume, that the Popes firſt graunted theſe Inueſtitures to temporall Princes, and that they haue no greater right or Title to them, then from the Popes gift: and the ſame authority, ſay they, which gaue them, may reuoke this gift. We anſwere, this was yeelded to *Charles* when he was firſt made Emperour, as the auncient right of the Empire. This is proued firſt, becauſe in the ſame Diſtinction of *Gratian* this is often called *antiqua conſuetudo*, and *præſca conſuetudo*: and cap. 18. Pope *Stephen* answereth that he deferred the conſecration of a Biſhoppe, *Quod imperialem nobis; ut mos eſt, abſolutionis minimè detulit Epiſtolam.* And a little after, *Veſtra ſolertia, imperiali, ut præſca dictat conſuetudo,*

Sigebert an. 774

Leo. 7.

Diſt. 63. cap. 23.

In Synodo.

Diſt. 63. cap. 18.

& 21.

percepta licentia, & nobis, quemadmodum vos ſcire credimus. imperiali directâ Epistola, tunc voluntati vſtra de hoc parebimus. And againe: *Non debet ordinari qui electus fuerit, niſi prius decretum generale introducatur in regiam urbem, ſecundum antiquam conſuetudinem, ut cum eius ſcientiâ & inſſione debeat ordinatio provenire.* Then the Biſhops of Rome themſelues graunt, that this was the auncient uſe and cuſtome of the Empire. The ſame is alſo confirmed from the reaſon that drew *Charles*, then from the ſiege of *Ticinum* to that Synod, it was to haue the auncient rights of the Empire confirmed to him. Which thing is declared by diuers Hiſtories, eſpecially by *Theodoricus de Niem*, who teſtiſieth that the reaſon which drew *Charles* to Rome at that time was, to haue the right and auncient uſes of the Empire clearely knowne. There was, ſaith he, a Synod holden by Pope *Hadrian*, and one hundred fifty three Biſhops & Abbats, *exquirentibus uſus, leges, & mores eiſdem Eccleſiæ & Imperij* That is: [Making ſearch of the uſes, lawes, and cuſtomes of the ſame Church, and of the Empire.] For all that could bee proued to be the auncient priuiledges of the Empire, was *Charles* to haue then to be confirmed to him, but then were Inueſtitures confirmed to him: therefore they were part of the auncient priuiledges of the Empire.

Theodor. de Niem de inueſtituris.

46. *Hincmarus* Archbiſhop of Rhemes, liued and wrote about the yeare eight hundred ſixtie. At what time without any queſtion the auncient praſtiſe was continued of chooſing Biſhops by the conſent of the King. For he writing to the Biſhops of France, ſaith of the manner of chooſing Biſhops. *Conſenſu principis terra, qui res Eccleſiaſticas diuino iudicio ad tuendas & defendendas ſuſcepit, electione cleri atq; plebis, quiſq; ad Eccleſiaſticum regimen, abſq; ulla venalitate prouehi debet.* That is: [By the conſent of the Prince of the land, who by the Diuine ordinance hath vndertaken the defence and preſeruation of Eccleſiaſticall cauſes: and by the election of the Clergy and people ought euery one to be promoted to the Eccleſiaſticall gouernment without Simony.] This then is the auncient right of euery Prince within his owne dominions. As the ſame *Hincmarus* ſaith afterward: *Principi terra magnopere prouidendum eſt, ne in his*

Epist. 4. ad Episc. Franc. cap. 5.

Ibid.

his Deus offendatur, per quos religio Christiana consistere debet.

Marfilinus Patavin. hath a testimony, which if it were of doubtlesse authority, might moue some doubt. For hee saith, that Pope *Simplicius* did forbid Inuestitures to bee taken at a lay hand, albeit, saith he, by that decree it is manifest, that his predeceffours exhibiting all due and humble reuerence to Princes, did vse to take Inuestitures from Lay-men. It is manifest by this, that *Marfilinus* had seene a decree of *Simplicius* to this purpose. Which if it were the true decree of *Simplicius*, then were Inuestitures acknowledged the Princes right, long before *Charles*: but if that decree were forged, as doubtlesse it was, with many moe: Let the Romane forgery be acknowledged, and the Masters of that mint knowne. Howsoever, it is out of question that Inuestitures were acknowledged the auncient right of the Empire by *Hadrian*: yeelded to *Charles*; graunted also by diuers Popes, as is apparant by their expresse confessions, of whome some were more auncient then *Charles* the great, and some since.

*Defensor. pac.
part. 2. cap. 25.*

*Simplicius was
Pope an. 467.*

47. The reason why it should belong to temporall Princes is so great, that it moued Popes, Emperours, and Kings, to enter into the greatest and hottest contentions, the one to purchase a new title; the other to retaine their auncient right. For vntill the time of *Constantine*, wee finde little or no mention at all of these things, because the Iurisdiction was then vnmixt, this power coactiue was not then practised by the gouernours of the Church. But when *Constantine* had enriched the Church, giuen place and authority to Bishops: adding vnto that power which they had, a new part of Iurisdiction, which they had not before (as we haue declared.) And by this example of *Constantine*, other Emperours and Kings adding thereto; so that a temporall Lordship was added in the end to a Bishoprick: (which thing was first instituted by *Otho* the second Emperour, in the opinion of Cardinall *Cusanus*. For writing of this *Otho*, hee saith: *Credidit perpetuis temporibus imperio subiectis pacem dari posse, si temporalia dominia tam Rom. Ecclesie, quam alys adiungerentur, cum certis feruiti obseruatione, tunc enim cultus diuinus augmentaretur, religionem in magnam reuerentiam exaltandam credidit,*

Cap. 5.

This *Otho* was
Emperour An.
967.
*Cusan. de Cathol.
concordantia.
lib. 3. ca. 27.*

quando sanctissimi Episcopi magna potentie alijs Principibus intermiscerentur: A mixt Iurisdiction thus being committed to Bishops: Then was it good reason, that Bishops hauing receiued such an externall coaëtiue power from temporall Princes; that these Princes should bee well secured of their fidelity to them, for so much of their authoritie, as they receiued from such Princes.

48. This example of government, the first Christian Princes set vp in the Church, drawne from the gouernement of the Church of Iewes, as we haue said: so that Christian Kings haue the same power ouer Bishops, which the godly Kings of Israell had ouer the Priests in that state. From this ground riseth Ecclesiasticall Iurisdiction, which being taken by the first Christian Emperours, from the example of the state of Israell, was continued by them and their successours, without question or contradiction, till the time of *Hildebrand*. For *Gregory* the first, speaking of this auncient right which Emperours had in his time and before, declareth that this right of theirs in placing of Bishops, was an order so auncient, so establisshed, that the contrary thereof was neuer knowne or heard of in the Church. And therefore writing to *Constantia Augusta*, he saith: *Salonica ciuitatis Episcopus me ac responsali meo nesciente, ordinatus est: Et facta res est, que sub nullis anterioribus principibus euenit. Quod ego audiens, ad eundem prauaricatorum qui inordinate ordinatus est, pratinus misi, ut omnino missarum solennia celebrare nullo modo presumeret, nisi prius a serenissimis Dominis cognoscerem, si hoc fieri ipsi uisissent.* That is: [The Bishop of Salone, was ordained without the knowledge of my selfe and my Chaplaine: And that thing is done which neuer hapned vnder any of the former Princes. Which when I vnderstoode, I sent presently to that *Præuicatorum* which was inordinately ordained, that he should not in any case presume to celebrate Masse, vlesse first I might vnderstand of my most serene Lords (the Emperours) whither they commaunded this.] Which testimonie is also cited *Dest.* 63. to proue that the Emperours ought to chuse Bishops, as *Hadrian* acknowledged the right to *Charles*, and *Leo* to *Otho*. *Gregory* saith, that the Bishop who intruded vpon that Church

not

Lib. 4. regist. in-
dict. 13. cap. 73.



Burney. d.

EGridley sc.

Pope Leo crowning Charlemagne
Emperor of the Romans.



not onely without his knowledge, but also without the consent of the Emperour, should not be suffered to exercise his function, before that he might vnderstand whether the Bishoppe had the Emperours consent herein: he saith also, that this practise of intruding without the Emperours consent, was a thing neuer practised vnder any Prince before that time. *Facta res est quæ sine nullis anterioribus principibus euenit.* For that these wordes are referred to that intrusion without the Emperours knowledge, it is euident, because he saith not that this was neuer practised vnder any Pope, but not practised vnder any Prince; and that he will send to the Prince, to know whether the Prince commanded this thing: and therefore hee calleth him a *Prenaricator* that presumed to crosse this auncient right of Princes.

Then he condemneth a number of his successours for *Prenaricators*. *Gregory* knew well what he wrote, hauing the perfect Register of things of this kinde, done betweene the time of *Constantine*, and his time; therefore his testimonie maketh faire and full euidence, that this was the right of Christian Magistrates, long before Pope *Hadrian* did yeeld it to *Charles*. The same thing is also witnessed by the twelfth Toletan Counsell, which was held in the time of Pope *Agatho* in the yeare sixe hundred and eightie, that is long before that time wherein *Hadrian* yeelded this right to *Charles*, as the olde right of the Empire.

*Concil. Tolet. 12.
cap. 6.*

49. But Cardinall *Baronius* stricken with a strange fury in this question of Inuestitures, ventureth vpon a new and desperate course, denieth all Antiquities, and bringeth a more shamelesse handling to these things, then euer was brought by any man before him: He denieth the whole, with all the parts of it, that is reported of *Hadrian* yeelding this to *Charles*: but most of all he breaketh all rules of patience and moderation against *Sigebert*, because among many, he also hath reported this storie: *Sigebert* (saith he) like an Impostor, first deuised and forged this tale, that Pope *Hadrian* yeelded Inuestitures to *Charles*; and this he wrote in the fauour of a schismaticall Emperour. Why *Baronius* should put vpon *Sigebert* Imposture and

*Baron. Annal.
an. 774.*

and subornation, we see no reason; vnlesse it be that he thinketh, that if *Sigebert* could be put to silence herein, there could no prooffe appeare in all Antiquity for Inuestitures. If this bee his meaning, he is much deceiued: for before this word Inuestiture was in vse, the Princes right was alwaies acknowledged. Long before *Sigebert*, the twelfth Councel of Toledo remembred this thing, as we haue declared: and before that Councell *Hincmarus*; and before *Hincmarus*, *Gregory* the first witnesseth, that it was a custome in his time so auncient, that the contrary had neuer beene heard of vnder any Christian Princes. Then if we should admit that *Sigebert* had beene silent, yet the right of Princes in this thing, is sufficiently proued against the Pope.

50. But let vs heare what the Cardinall can say for himselfe: We must needes examine his proofes, because diuers other doe rest vpon his iudgement, and deliuer it peremptorily, that *Sigebert* hath deuised this tale, and that there was no such thing in truth. Because the Discourse of *Baronius* is long, I will gather his reasons, and will leaue out nothing materiall, that hee hath brought for himselfe. First he telleth the Reader, that when he hath heard all the matter, he will be forced to crie out, *O Scelus, O impostura, O Fraus*. I suppose that this will proue true in the end, that when the Reader hath heard all, he will exclaime, *O villany, O knauerie, O couzenage*: But why? For, saith *Baronius* [*Sigebert* perceiuing that he could not proue this by former Historiographers, what did he? Forsooth in the fauor of a schismaticall Emperour, who challenged Inuestitures, he thrust into his Chronography by frand these wordes: *Postea rediens Carolus, Papiam cepit, iterumque Romam redijt, Synodumque constituit cum Hadriano Papa, alijsque 153. religiosis Episcopis & abbatibus, in qua Hadrianus Papa cum vniuersa Synodo tradidit ei ius eligendi pontificem & ordinandi sedem Apostolicam, dignitatemque patriatus: Insuper Archiepiscopos, Episcopos per singulas provincias ab eo inuestituram accipere desinuit, ut nisi a rege laudetur & Inuestiatur, a nemine consecretur.*] Is it any reason that a man who for almost siue hundred yeares hath alwaies beene reputed an honest man, should now be called by a passionate Cardinall a

Knaue?

Knaue? Was there euer any man before *Baronius* that put this imputation vpon *Sigebert*? His memory in all ages since hee wrote hath beene famous for his learning, grauity, wisdom, and integritie: *Sigebertus horum temporum scriptor* (saith *Auentinus* speaking of those times wherein he wrote) *vir aliquem etiam ut quisq̃ illa tempestate esse poterat, omnis diuini humaniq̃ iuris consultissimus*. That is [*Sigebert* a writer of these times; a man most skilfull in all humane and diuine Law, as any other whatsoever that could be found in that time.] Then it is not likely that he should now be found vn honest, that in so many ages hath passed for an honest man: And if the testimony of others that witnesseth with him the same thing, be sufficient to cleare him, he will be cleared by a great Iury, and a firme verdict.

Auentin. lib. 5.

51. *Frosard* writing the French Storie, and collecting the actions of *Charles* the great, out of the ancient Stories of that nation (and where can the actions of the French Kings bee better knowne, then by the Stories of that nation?) saith thus [*Charles* came to Rome at the request of the Pope, and there kept Easter. And before he went away there was a Councell of one hundred, fiftie and three Bishoppes and Abbots: there Pope *Hadrian* by the consent of all the Councell, gaue him the honour to chuse the Pope, &c. and that Archbishoppes and Bishops should hold and haue their Seas by him.] *Funclius* hath the same storie. *Huldericus Mutius* witnesseth as much. *Sabellicus* saith, *Hadriano autore decretum ut Carolus rex qui optime esset de Romana Ecclesia & Italia meritis, Pontificem legeret, &c. Par illi potestas de patritiatu dando, de Episcopis prouinciatiu eligendis, ut omnia demum irrita haberentur, nisi quae Carolus probasset.* *Waltheramus* Bishoppe of Naumburg saith, *Hadrianus Papa collaudantibus Romanis & plena Synodo &c. Carolo M. & eius successoribus &c. sub anathemate concessit patritiatum & inuestiuras.*

Frosard. in Charlemain. fol. 80.

Funcl. comm. An. 772. Mutius l. de Germanorum morib. 7. Sabel. Enead. 8. l. 8.

Waltheram. l. de Inuestitur. Episc.

52. I must entreat the Readers patience. For I am forced to cite these witnesses only for the iustifying of *Sigebert*, which otherwise might haue beene spared; if *Baronius* had not brought *Sigebert*, as it were to holde vp his hand at the barre: vnreuerently raking vp the ashes of the dead, & disquieting the graue

of a man that was buried with honour, and hath rested so many ages without disturbance, vntill the profane hands of *Baronus* light vpon his graue. It would be a matter of iust reproofe and reprehension in vs, not to be as courteous to the dead, as they are cruell against them: not to be as carefull for preserving antiquities, as they are to deface all ancient monuments that stand against them: not to be as resolute for the truth, as they are impudent to maintaine falshood. Inuist therefore proceed in producing witnesses, who liued some since that time, and some before: that *Sigeberts* testimony may be iustified, his honesty cleared: and that the world may see by what strong faction and passion, Histories are now written to defend the Popes Iurisdiction by defacing all ancient records that stand against it. *Lupoldus de Babenberg* hath written a booke, *de iure Regni & Imperij Romani*, in which he hath the same story, that *Charles* came into Italy at the request of Pope *Hadrian*, & that *Hadrian* graunted inuestitures to *Charles* in a Synod held at Rome. *Fasciculus temporum* written by *Rollewinkins Warner*, saith likewise of *Hadrian*: *Isse Hadrianus &c. in Carolo super ordinatione sedis Apostolica & institutione Episcoporum, Abbatum, &c. in generali concilio dedit. Marsilius Patavinus* in diuers places doth witness the same thing, but more expressly in his booke *de translatione Imperij*, where he saith thus: *Tunc Hadrianus beneficijs temporalibus dicti Principis affectus, 153 Episcoporum & Abbatum concilium Roma congregauit ibique cum vniuersa Synodo dedit eis, &c.* And so declareth the same thing, that inuestitures were confirmed to *Charles*. *Rodulphus de Columna* writeth a booke of the same argument, wherein he witnesseth the same thing. The Story which is called *Registrum mundi*, written by *Hartmannus Shedell*, saith that *Charles* went from the siege of *Pauy* to Rome. *Pascha in urbe celebrare constituit, assumptis secum Episcopis & Abbatibus &c. inde Synodum habuit. Mat. Palmerius* speaketh to the same purpose. *Ranulphus* in his *Polychronicon* saith likewise, *Hadrianus concilium celebravit in urbe Roma cum Cl. patribus presente Carolo cui concessum est tunc in electione Rom. Pontificis, & ordinandi sedem Apostolicam, &c.* To the same purpose speaketh *Martinus*, who is intituled *Papa Primarius Capellanus. Vincen-*

Lupold de iure Regni & Imper. ca. 1.

Fascicul. tempor. an. 784.

Marsil. de translatione Imperij.

Rodulph. de Columna lib. de translatione Imperij. Hartman. Shedell.

Mat. Palmer. an. 776.

Ranulph. Polychron. lib. 5. ca. 6.

Martini Chron. an. 779. extat Ms. in bibliothec: Mertonensis Collegij Oxon.

tius

tius in ſpeculo Hiſtoriali hath the ſame narration at full, of the ſiege of *Papia*, of *Charles* his coming to Rome, of the priuiledges graunted to *Charles* by Pope *Hadrian* in a counsell, among which inueſtitures are expreſſy named. *Vincent. in Speculo Hiſt. lib. 23. ca. 168.*

53. *Naucerus* hath the ſame Story at large, declaring that Pope *Hadrian* held a council of one hundred and fifty three Biſhops and Abbats, by which Synod inueſtitures were yeelded to *Charles*. Vpon which graunt, ſaith he, the French Kings to this day hold the ſame priuiledges in diuers Prouinces, and namely in *Prouincys Cenomanenſi Rotomagenſi & Remenſi*. What greater euidence can we ſeeke to proue that this thing was done, then ſuch confirmation from ſuch witneſſes, and from ſuch priuiledges of the kingdome of Fraunce, that in the miſt of Popery continued from that firſt priuiledge. The ſame Author witneſſeth, that when *Henry* the ſiſt Emperour came to Rome to appeaſe this controuerſie, for Inueſtitures between the Empire and the Papacy, which was firſt raiſed by *Hildebrand*: that the Emperour intreated no more, then that which in publique recordes was continued the cuſtome from *Charles* the great. *Imperator*, ſaith he, *volens uti conſuetudine & autoritate predeceſſorum ſuorum, petebat ſibi ſeruari ea qua priuilegijs Carolo M. & ſucceſſoribus in Imperio iam per 300 annos & amplius conceſſa & obſeruata fuerunt. Ex quibus priuilegijs licitè per Inueſtituram annuli, & virgæ Epiſcopatus & Abbatias conferebant.* [The Emperour deſirous to uſe the cuſtome and authority of his predeceſſours, required that thoſe priuiledges ſhould bee reſerued for him which were granted to *Charles* the great, and to his ſucceſſours in the Empire, and obſerued now for 300 yeares and more. By which priuiledges it was lawfull for the Emperours to conferre Biſhopricks and Abbacies, by Inueſtiture of a ring and a ſtaffe.] When the Emperour did ſhew theſe priuiledges, and claimed nothing but that which by publique recordes was confirmed to him: did any man then obieſt that *Sigebert* had corrupted thoſe euidences? When the Pope nor no man for him would or could plead this corruption then, it is too late and too groſſe for Cardinall *Baronius* now to bring that plea. Againſt theſe knowne priuiledges of the Empire, Pope *Paschalis* at that time pleaded nothing. *Naucle. volum. 2. Gener. 23.*

Naucle. gener.
38,

Naucles. ibid.

nothing but *Synodale decretum*, saith mine Author: a late decree that the Pope himselfe had made.

M. Cook.

54. Then we haue witnesse of all sorts, of all times since *Sigebert*. But if *Baronius* sit as Iudge in this cause, he will say all these are not able to moue him. For all these wrote since the time of *Sigebert*, and had the narration from him, who by fraud and imposture put it into his Chronography, as he is also charged to put the History of Pope *Ioane* a woman into his booke. And I am perswaded that the Cardinall is more passionate in this particular against *Sigebert*, because he reciteth also the Storie of Pope *Ioane*. For if they can couince him of a lie in any one thing, his report may be iustly weakened for other things. For Pope *Ioanes* matters I medle not, I leaue them to him who hath of late learnedly and painfully handled the same. I am now to cleare *Sigebert* from forgery in this point of Inuestitures. And because *Baronius* doth peremptorily assure vs, that no man before *Sigebert* did write it: we are to search the times before him. A man would think that the Cardinal so skilfull in Story as *Baronius* is taken to be, affirming so confidently that before *Sigebert* none wrote thus: and thereupon charging *Sigebert* of forgery (the most hainous crime that can be committed by a vvriter of recordes) should be sure of one of these two things, that either in truth no Storie before *Sigebert* hath mentioned this; or if any haue done it, to expunge them so, that the truth might neuer come to knowledge. And to say the truth, all his confidence (as likewise all the confidence of that side) consisteth in this new found vnblest deuise of expunging ancient Authors. And yet for all their expurgatoriall tables and shamelesse shifts, this truth will not be hid. We must therefore declare, who hath written the same thing before *Sigebert*.

55. First, we produce *Gratian Dist. 63. ca. 22.* who recordeth the same thing, as before wee declared. Nay, saith *Baronius*, *Gratian* wrote after *Sigebert*, and hath transcribed this narration word for word out of *Sigebert*. That *Gratian* wrote after him, it is not altogether so cleare, for there is some doubt of the time when *Gratian* wrote. And if he wrote after him, it was not long after, for they liued together in one time. And *Gra-*

tian so much respecting the Popes authority as he doth, so well read in antiquities as hee was, is very vnlikely to take a tale from *Sigebert*, which hee saw not confirmed by auncient writings, or to receiue a slight report from one of his owne time, and one of the Popes enemies, (as *Baronius* would make *Sigebert*.) But where he saith, that *Gratian* transcribed this from *Sigebert*, this wee vtterly denie: for that which *Gratian* saith hereof, if it be compared with that which *Sigebert* writeth, cannot appeare transcribed, because there are diuers words in the one narration, which are not in the other. Moreouer, *Gratian* citeth another Author for it then *Sigebert*. Let *Baronius* bee Iudge, and *Gratian* the witnesse. *Gratian* citeth the Ecclesiasticall History for this narration, thus: *Ex Historia Ecclesiastica*, and then hee setteth downe the Story. But *Sigebert* wrote no Ecclesiasticall Story: therefore *Gratian* doth not transcribe this word for word out of *Sigebert*. The proposition is euident in all Editions of *Gratian*, yea euen in the Edition of *Gregory* the thirteenth, which the same *Gregory* commaundeth to be preferred without addition or change in any thing. *Nec unquam liceat eidem operi quicquam addere vel immutare, vel inuersione, nulla interpretatione adiungere, sed prout in hac nostra urbe Romanum impressum fuit, semper & perpetuo integrum, & incorruptum conseruetur.* In this Edition, that is with such caution and authority set forth, this place of *Gratian* is cited, out of the Ecclesiasticall Story. Now that *Sigebert* wrote no Ecclesiasticall History, all men know his booke is intituled thus, *Sigeberti Gemblacensis Chronographia*. *Baronius* acknowledgeth so much, and calleth it *Sigeberti Chronographia*. Neither was it his purpose to write an Ecclesiasticall History, but a short and very succinct Chronographia: neither hath it euer beene taken and reputed for an Ecclesiasticall History. Then *Gratian* citing an Ecclesiasticall History, citeth not *Sigebert*, but some other. And this is enough to cleare the matter against *Baronius*, that *Gratian* did not transcribe it from *Sigebert*.

Gregorius 13.
Prefat. ad cor-
pus iuris Canon.

56. From whom then did *Gratian* transcribe it? I say *Baronius* is refuted, though I could not answer this question. But if we must answer, and make a further search: I answer, that

Gratian cyted this assuredly from *Anastasius Bibliothecarius*; who wrote the story of the Church, and the Popes liues. *Anastasius* is extant in Print, Ann. one thousand, sixe hundred and two, *Moguntia*. This was long after that *Baronius* had vnder-taken, that none before *Sigebert* wrote thus. In this Edition of *Anastasius* there are diuers references in the Margent to the Annals of *Baronius*: so that we are not to looke for any helpe from this Edition; *Baronius* hauing done his lust vpon it, and so many eyes watching, and handes working, to see that nothing may come to light, which may disproue that which *Baronius* hath once with such confidence vndertaken. But these workes of darkenesse, though neuer so cautelously handled, will be found out, and bring shame vpon the workers. For *Platina* witnesseth that *Anastasius Bibliothecarius* wrote this, that Pope *Hadrian* yeelded this right to *Charles* the great. His wordes are these: *Bibliothecarius scribit Lodonicum liberam eligendorum Episcoporum potestatem Paschali dedisse, cum antea ea quoq; in re Imperatores consulerentur: quam potestatem ab Hadriano Pontifice Carolo concessam, idem autor refert.* That is, [*Bibliothecarius* writeth that *Lodonic* graunted to *Pascales* the free choise of Bishoppes, when as before that time the consent of the Emperours was required in this thing: which power the same author *Bibliothecarius* declareth that Pope *Hadrian* gaue to *Charles*.] Then we are certified that *Anastasius* wrote it. And though this late Printed *Anastasius* haue it not, yet that dooth not impaire our cause, but our aduersaries: and dooth testifie before God, Angels and men, the execrable impietie of them who like Giants fight against God, and truth, expunging and defacing auncient Records. Then *Platina* assureth vs that *Anastasius* wrote it, and therefore *Sigebert* was not the first reporter of it.

57. *Theodoricus de Niem* doth also witnesse, that this same narration was transcribed by him, out of an auncient Copie written so long before his time, that for age the Bookes and places where they were kept were almost consumed, *hæc scripta reperiuntur* (saith he) *in antiquissimis Bibliothecis, & pæne præ nimia vetustate, consumptis*: In which Bookes he found it written thus:

Platin. Pascal. I.

Theodoric. de Niem.

thus: *Carolus rex ingreſſus Italiam, Papiam obſedit &c. Poſt hac reuerſus eſt Romam, ubi conſtituta eſt ſancta Synodus a beato Papa Hadriano in Palatio Lateranenſi, videlicet in Eccleſia ſancti Saluatoris, qua reuerendiſſimè celebrata eſt ab 153. viris religioſis Episcopis, abbatibus, &c. ab vniuerſis regionibus & ordinibus atque urbibus, a cuncto etiam clero huius ſanctæ Rom. Eccleſiæ, exquirentibus vſus leges, & mores eiſdem Eccleſiæ & imperij*: Where the ſame teſtimony for Inueſtitures followeth at large. This man credite hath not bene called in queſtion, for ought that I could finde: and there can be no reaſon to except againſt him, being the Popes Register, or in ſome chiefe place vnder him for writing. And the better to declare the truth and fidelity of this man, it is worth the obſeruing, that he hath with exact care recorded where he found theſe antiquities, naming the place where theſe bookes might haue bene ſeene of all men, at that time when he wrote, for before his booke he writeth thus: *Incipit deſcriptio de Inueſtitura Episcopatum regum Teutonicorum ex quodam antiquiſſimo libro Florentino per me Theodoricum de Niem Literarum Apoſtolicarum ſcriptorem & abbreviatorem reperto, dum Dominus Papa Iohannes 23. illic cum curia ſua reſideret, fideliter extracta, & ſequitur de verbo ad verbum prout in dicto libro videbatur ſcriptum.*

Theodoricus de Niem ſtiled Apoſtolus, ſcriptor by Cuſpinian. Fred. I.

The booke is extant in the Library of Queenes Colledge, Oxon.

58. This man then living in the time of *Iohn* the three and twentieth, being the Popes Register or Secretary, or in ſome ſuch office, dealeth faithfully: For this extream impudencie was not then known in the world; which is now ſo much practiſed in the Court of Rome. We haue alſo declared from the teſtimonie of *Naclerus* (whom *Iohn Reuclin*, a man ſo much reuerenced for learning in his time, did ſo much reuerence for fidelity, and diligence, as appeareth by that Preface which the ſame *Reuclin* hath ſet before *Naclerus* hiſtorie) that this queſtion of the Emperours right for Inueſtitures came to a hearing and examination, betweene *Henry* the fiſt Emperour, and Pope *Paschalis* the ſecond, where the Emperour ſhewed records, proouing for three hundred yeares before his time, the cuſtome of Inueſtitures to haue bene continued from *Charles* the great. On the other ſide for the Pope, there could nothing be ſhewed,

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but *Synodale decretum*: Some decree which *Hildebrand* or some Pope after him did make. Moreouer vpon that Canon of *Gratian*, which before we cyted, there is reference to *Ino Carnotensis*; *Lib. 8. de Election. Rom. Pent* So that it seemeth that *Ino* also wrote this before *Gratian*. Howsoever it be, we haue witnesses now to proue *Sigebert* an honest man, and yet haue we iust cause to exclaime: *O scelus, O impostura, O fraus!* For when we finde the mouth of antiquity stopped, the testimonies of approved writers partly reiected as impostures, only because they make against the Popes Iurisdiction: partly expunged by sacrilegious hands, and malicious and cruell hearts, that the truth by all meanes may be defaced, and falshood adored and maintained by a generation, framed and fashioned to vanity and vntruth; appearing with the countenance and haire of women, that is, of Harlots for their impudency, with the teeth of Lions for their cruelty, with the tailes of Scorpions, for their stinging and expunging of auncient Authours, leauing the Markes of their poysoned strokes in all bookes which they handle: haue we not then iust cause to exclaime, O profound villany, O admirable couzenage, O Antichristian imposture; drawen from the depth of Sathans pollicies! And what could make *Baronius* so confident to assure that none before *Sigebert* wrote thus; but a sure confidence and repose in the expunging of *Anastasius*? And yet hath he not so expunged that Authour, but that the true markes of that Narration remaine still in his booke, as presently we shal declare. But behold into what wretched times we are now fallen: for we cannot write for the truth without feares, least we should by conuincing falshood giue an opportunity to falsifiers to worke more falsly. For who can warrant vs that this which we haue produced, shall not hereafter be cleane expunged out of these Authors, that no memory in antiquitie may remaine against them? And when they haue corrupted all auncient Records, and their posterity shall triumph in the wickednesse of their Fathers; then our hope is that Christ from heauen will shew himselfe, and will not suffer that Kingdome long to indure, which standeth vp by no other supporter then falshood and yngodlinesse. These outrageous practi-
ces

Apo. 9.

ses against the truth; cannot but raise vp the spirits of GODS children, to an earnest longing and expectation of Christs coming to deliuer his truth, out of this captiuitie and filthy prison wherein vnrighteous men seeke to holde it downe suppressed.

59. *Baronius* proceedeth: and telleth vs that *Eginhardus* saith, that *Charles* came but foure times to Rome, then *Baronius* laboureth to proue, that this thing could not be done at any of those times. We answer; It is enough for our purpose if *Charles* came but once to Rome: for all those Authours which I haue cyted doe proue, that this was done in his first iourney to Rome, before he went to the Saxon warres. And if he thinketh reason to denie the truth of this Narration, because *Eginhardus* doth not mention it: I answer, *Eginhardus* writeth very succinctly, and had no purpose to record all particulars. For he doth not mention that *Charles* the great did erect the Vniuersity of Paris by the helpe of *Alwin* an English man, and *Iohn Mailrose* a Scottish man, and yet this is recorded by others, whose credite is nothing impaired by the silence of *Eginhardus*. *Baronius* doth also obserue, that all that wrote before him, did not reſel *Sigebert* for an Impostor, but only say that those things were graunted by *Hadrian*, but reuoked by other. We answer, it had beene much more for his credite, if he also had kept the same moderation, which all before him haue done. But now for an especiall seruice to the Pope, hee hath by his owne confession pulled vp an olde hedge, which no man stirred before him, and therefore it is no maruell if a Serpent bite him: and that in stead of a graue and faithfull Historiographer, hee purchase the iust imputation of a factious writer, stuffed with Inuestiues, betraying, professed partiality, an euill heart, a corrupt and pernicious resolution, to deface all antiquity that standeth against his purposes.

Eccles. 10. 3.

60. But he proceedeth, and asketh how this Council should be called of a sudden? And whence should so many Bishoppes and Abbots be so soone gotten together? A goodly question: These trifling obiections serue to no other end, but to helpe to conuince him, that dare contradict so many witnesses with so small shew of reason. But as in the examination of theeues

Anastaf. Bib-
lioth. ad An.
772.

and Felons many things fall from themselves at vnawares, by which their falshood is conuicted, so by this question he draweth an ineuitable conuiction vpon himselfe: for *Charles* purposing to hold a Councell, brought these Bishoppes and Abbots with him to Rome. And thus *Anastafius* witnesseth; for they haue left such markes in the Printed *Anastafius*, as doe plainly shew where he was stunge with the Scorpions taile. For thus saith this printed *Anastafius*: *Dum per sex mensium spatium ipse Francorū Rex Papiā demoraretur, in obsidione ipsius ciuitatis, magnum desiderium habens ad limina Apostolorum appropierandi &c. Tunc abstollens secum diuersos Episcopos & Abbates, & iudices &c. Cum pluribus exercitibus Romam per Thusciam partes properauit.* That is [Whilst *Charles* stayed sixe moneths in the siege of Pauié, hauing a great desire to approach to the doors of the Apostles, &c. Then taking with him diuers Bishoppes, and Abbots, and Iudges, &c. Hee came by the parts of Tusciana with many Armies to Rome.] Where we see, that they who expunged *Anastafius* (as Theeues vse to doe in the like case) haue left such markes behinde them, as are sufficient to conuince them: For to what end did *Charles* bring so many Bishops, and Abbots, and Iudges with him to Rome? This sheweth euidently that he had a purpose to hold a Councell. And because *Baronius* asketh this question, whence came so many Bishoppes and Abbots of a sudden? We can soone answer him: *Anastafius* witnesseth, that *Charles* brought them with him, as purposing this thing aforehand. But we aske him a question which hee will neuer asseile vs, Why did *Charles* bring so many Bishoppes and Abbots to Rome? *Anastafius* witnesseth, that hee brought a number of Bishoppes and Abbots to Rome: so that either *Baronius* and the Expurgatours should haue spared *Anastafius*, and not expunged that which he had written of the holding of this Councell, or this should haue beene also expunged, which he writeth of the preparation of that Councell. Again these words which are left in *Bibliothecarius*, of *Charles* his coming from Pauié, doe further conuince *Baronius*, and detect the purpose of falsifying: for *Baronius* wil not admit that *Charles* came to Rome at this time from Pauié, because *Eginhardus* saith, he

was

was but foure times at Rome, and this could not be done at his first iourney, because from the expugnation of Paue, he went presently to the Saxon warres : and thus he proceedeth, vexing his reader with winde, and wordes lighter then winde. Though he be deeply to be charged for this light and vaine reasoning, yet his great and grosse fault wherein he was so grossely overseene, is, that in cutting *Anastasius*, he cut not deep enough: For *Anastasius* in the wordes that are left, doth expressly declare, that *Charles* came from the siege of Paue to Rome, which *Baronius* denieth, and that he brought many Bishops and Abbots with him. Thus both by cutting out of *Anastasius*, that which *Platina* witnesseth he wrote, and by leauing in *Anastasius* that which doth proue so much, and testifie their falshood : they are conuinc'd to be corrupters of antiquities, and new forgers of nouelties.

61. *Baronius* perceiuing that all this that he hath said will not helpe him, vnlesse he proceede further to refute likewise all that *Gratian* saith in the next Canon, *In Synodo*: goeth on, and vndertaketh also to refute it: For what other thing can he do, that hath once broken the bounds of modesty and moderation, but proceede to a resolution in impudency? *Gratian* cyteth the Canon of Pope *Leo*, who gaue Inuestitures to *Otho* as *Hadrian* did to *Charles*. *Baronius* denieth that Pope *Leo* wrote so, as *Gratian* cyteth him: what authority can be produced to satisfie these men? VVe bring the testimonies of Popes, we bring them cyted by such as were the greatest maintainers of the Popes Iurisdiction, and yet it will not satisfie: Why? No reason is brought, but it standeth not with the liking of the Court of Rome in these daies. He saith, that the name of Inuestitures was not knowen in that age, wherein *Charles* liued: But how doth he proue that? No prooffe is brought: and what neede he bring any prooffe, seeing there are many that are readie, to take all that he saith without prooffe? Concerning the name of inuestitures, the Ciuilians are herein resolued, and peremptory, that it came from the Lawes of the Lumbards, as did also all the Lawes, *De feudis*. For of these things there is nothing found in the auncient Romaine Lawes, nor in the later Imperiall

Palmerius An.

776.

Nauclet. gener.

23.

Lawes, vntill the gouernment of the Lumbards was raised. And therefore it is certaine, that before the gouernement of the Lumbards was erected in Italy, this word Inueſtiture, can not be proued to haue beene in vſe. But ſeeing by the Lumbards it came in, and the Lumbards were at their higheſt before, and in the time of *Charles* the great (for they were ouerthrowne by *Charles*, after that they had raigned two hundred and foure yeares in Italy, and had poſſeſſed all Italy in a maner, except on- ly the City of Rome, as diuers Authors doe witneſſe) it can not be choſen but that in the time of *Charles* this word was in vſe. And when we haue of the one ſide good reaſon, the teſtimonie of hiſtories, the iudgment of Lawyers, concurring with the expreſſe wordes of the Popes Canons which vſe the ſame word: ſhall it be thought a ſufficient refutation on the other ſide, to ſay the word was not then vſed, and bring no reaſon thereof? Then this thing was vſed in *Charles* his time, and the name of Inueſtitures knowne. The ſame thing was vſed long before *Charles* his time, but not vnder the name of Inueſtitures. This name, and the ceremonie of a ſtaffe and a ring came in by the Lumbards. Then whether we conſider the thing without this new name and ceremony, or with it: wee finde it alwayes the Princes right. Thus *Sigebert* is iuſtified, the truth tried, and the Knaue knowne.

Answer to the
fiſt part of Re-
ports.

62. Now to come to the Kings of England, as their authority was no leſſe then the authority of other Princes in their Kingdomes, ſo more we ſeeke not. And therefore whereas a certaine Catholique diuine, telleth vs, that *Henry* the fiſt chalenged Inueſtitures, as vſed by his father and brother before him, whereof yet (ſaith he) we finde no expreſſe prooſe, or example in any of our Hiſtories, that they had vſed them, much leſſe that they were lawfully graunted: how ſtrange is this dealing? beſeeming none but ſuch as he is. For is not this prooſe good and ſufficient, when the King chalengeth no more, then that which was in freſh memory and vſe in his brothers dayes, and fathers? When wee finde ſo many teſtimonies of Story, of Councils, of Popes, that there was no other right of giuing Inueſtitures knowne through Chriſtendome, then the right of Princes,



HENRY I.

Princes : shall base persons quarrell the testimonie of a King, founded vpon such proofes? Let the world iudge of the learning of him who writing hee knoweth not what, will tell vs that the sense, deuotion, and iudgement of the world, was neuer to the contrary : fancying conclusions like a dreamer, not prouing like a disputer. Now touching the particular of *Henry* the first, it is certaine that hee began no new custome, but Pope *Paschalis* the second, began to debarre him from that ancient custome and right, which he and his Elders had alwayes vsed.

63. For thus *Roger Hoveden* reporteth : In the yeare of Christ one thousand one hundred and three, a great dissention grew betweene King *Henry* and *Anselme* Archbishop of Canterbury : because the Archbishop would not consent that the King should giue Inuestitures of Churches. Neither would he consecrate those Bishops to whom the King gaue them. Because the Pope had forbid him & all the rest to do so. *Quia Apostolicus* (saith he) *sibi & omnibus interdixerat*. And againe he saith : *Quibusdam ad hoc intentibus, ut Rex eas faceret more patris & fratris sui, non iuxta praeceptum & obedientiam Apostolici*. [Because the Pope had forbidden him & the rest, &c. Some perswaded that the king would make Inuestitures after the custome of his father and brother : and not according to the precept and obedience of the Pope.] Where note, that it is not the Kings allegation, that this was his fathers, and brothers right ; but it is a truth acknowledged by *Hoveden*, maintained by the Barons, denied by none. Against which, there was nothing then known, but onely the new Precept of Pope *Paschalis*. The same Author declareth also, that these customes and prerogatiues were not imposed by the King, but sought out with exact care & diligence by the Bishops & Barons iointly. For speaking of these customes in the time of *Henry* the second, he recordeth an Epistle which the Bishops of the Prouince of Canterbury wrote to *Thomas Becket*, wherein they testifie thus much : *Ne super his*

Hoveden. Henric. 1.

Rog. Hoveden. Henric. 2.

ſinuato ſtatu, dignitates requiſitæ palam prolata ſunt, & ſummorum in Regno virorum testimonijs propalata. [Leaſt this occaſion of contention ſhould proceede any farther heereafter, it was brought to publique triall. Therefore the moſt auncient Biſhops, and other Barons of the Kingdome, tooke an Oath by their faith, and by that hope which they haue in God to make a true ſearch, whereupon looking into the times paſt, the priuiledges of the Kingdome were ſought out, and publiſhed, and diuulged by the teſtimonies of the greateſt perſons in the Kingdome.] Then theſe cuſtomes and auncient priuiledges of the Kings, were ſought out by the graueſt, and moſt learned of the Biſhops and Barons: they were ſworne to deliuer the trueth, as they ſhould finde it in the auncient Records of the land. After all theſe expreſſe prooſes a masked Romane Catholique telleth vs, that no prooſe heereof is found in all our Stories. If this mans Catholique diuinity were examined (as when opportunity ſerueth it ſhal be) it will appeare, that it conſiſteth of extreme confidence and impudency patched vp with a fewe ſmooth words, without knowledge of Diuinity, or of ſolid learning.

64. After this *Calixtus* held a councell at Rhemes, wherein hee condemned all Inueſtitures taken from a lay hand. With this Pope, *Henry* the ſecond King of England, met in conference at *Gifars* in Fraunce. The King preſſed the Pope, that he might not be diſquieted in his auncient right, that the auncient Lawes and cuſtomes of his Kingdome, might be kept intiuolable, as in the time of his progenitours they were. The Pope hauing nothing to ſay againſt theſe auncient cuſtomes, drew the King into another matter, intreating the Kings fauour for *Thurſtinus* Archbiſhop of Yorke, that he might be reſtored to his place, for the King had depriued him. The King answered, that he had ſworne the contrary. The Pope replied; but I am Pope, and if you will doe as I bid you, I will abſolue you from your Oath. *Ego Apoſtolicus ſum, & ſi feceris quod ego poſtulo, ab hac fidei ſponſione te abſoluam.* This was the olde praſtiſe of abuſing Kings. And it was not much to be meruailed, if ſome kings were then blinded, when they were led by ſuch guides. *Honed.* doth likewiſe declare, that the Decrees of that Councell of Rhemes,

Rhemes, were ſent to the Emperour *Henry*. The Emperours anſwere was : *Nihil in his ſe pratermiſſurum quod ſui iuris eſſet, ſuorumq; ſibi conſtat antiqua conſuetudo progenitorum.* That is : [That he would looſe no part of that his right, which the auncient cuſtome of his progenitours had conferred vpon him.] And afterward, ſaith *Heneden*, other things he graunted ; *Ultimum vero, ſcilicet Inueſtituram rerum Eccleſiaſticarum, concedere noluit.* [The laſt thing, that is to ſay Inueſtitures of Eccleſiaſticall dignities, he would in no caſe graunt.] Then it appeareth that antiquity, cuſtome, and the right of their progenitors ſtood for the Princes of this age, and againſt them was nothing but the bare will, and new commaundement of the preſent Popes, herein falling away not onely from the auncient uſe before, but from the ſenſe, knowledge, confeſſion and iudgement of the auncient Popes.

This was Henry the ſixt.

65. I ſtay the longer vpon this point, and am more willing to ſearch the truth herein, becauſe it is a matter of eſpeciall importance concerning this queſtion of Iuriſdiction, which wee ſeeke to know. For *Robert Persons* the masked Catholique diuine confeſſeth in effect thus much, that if wee can proue that Inueſtitures belong to temporall Princes, we haue in his iudgement queſtionleſſe obtained the cauſe for which we ſtrive. Let me ſet downe his owne words. [Three things, ſaith he, do concur in making of a Biſhop by diuine and Canon law, to wit, election, confirmation, and conſecration. The firſt, to wit election, when it is iuſtly made, doth giue right to the elected to pretend the ſecond and third, &c. Yet can he not vpon his onely Election, exerciſe any part of his office of a Biſhop either in Iuriſdiction or order. But when he hath the ſecond part which is confirmation, and induction to the benefice, which is properly called Inueſtiture; then hath he Iuriſdiction vpon thoſe people, and may exerciſe the Acts thereof by viſiting, puniſhing, or the like: but not the Acts of order, vntill he haue conſecration alſo, that is to ſay, he cannot make Priests, nor adminiſter the Sacrament of confirmation, &c. And a little after he ſaith: the ſecond which is confirmation and giuing of Iuriſdiction, muſt onely proceede from him, that is the fountaine of all ſpiritual Iuriſdi-

Answer to the
fiſt part of Re-
ports, pag. 171.

Juriſdiction vnder Chriſt, which is the Biſhoppe of Rome, or ſome Metropolitane or Biſhoppe vnder him, that hath authority and Commiſſion from him. Thus much the Catholicke Diuine.]

The iſſue of
the queſt. of
Inueſtitures.

66. I forgive many particular eſcapes in this ſhort diſcourſe, not ſpending time in the examination of by-points, I would meeete him there, where he thinketh himſelfe ſtrongeſt. For where he ſaith, confirmation, which alſo he calleth induction, or which properly, as he graunteth, may be called Inueſtiture, giueth Juriſdiction: this we yeeld. And then heere wee ioyned iſſue with olde Sir *Robert*, in that part of his Collection, whereon he layeth his greateſt hold; and are content to trie the whole cauſe thereon: whether Inueſtiture, which by his confeſſion, and the doctrine of his Church, and the conſent of all, giueth Juriſdiction, belong of ancient right to the Pope, or to temporall Princes. If he be able to proue by any auncient, full, cleare, vnſuſpected witneſſe, that the Popes within the ſpace of the firſt thouſand yeares, or before *Hildebrand*, either had that right, or did praetiſe, or ſo much as challenge that right: I will for my part yeeld the cauſe, and will confeſſe mine errour, if thus much be euidently euicted. But ſeeing we haue proued by vndoubted Hiſtories, by the conſent of Popes themſelues, by the Decrees eſtabliſhed in Councils, that this was an auncient right of temporall Princes, called *Prisca conſuetudo* by Pope *Stephen*, *Antiqua conſuetudo* by another: that the contrarie was neuer heard of vnder any Chriſtian Prince, confeſſed by *Gregory* the firſt: Then hath he reaſon either to yeelde vs the cauſe wholly, or to reuoke his wordes againe, that Inueſtiture giueth Juriſdiction.

67. Then the right of Inueſtitures ſtanding as the auncient right of our Kings, being neuer queſtioned in Chriſtendome, before the time of Pope *Gregory* the ſeuenth, neuer queſtioned in this land before the time of *Henry* the firſt, that King had reaſon to pleade the uſe of his father and brother for himſelfe; becauſe it being a thing quietly poſſeſſed by them, was, out of doubt, peaceably inioyed before them, becauſe before them the Popes neuer made title thereto. Now concerning the tumults,

warres,

warres, blood, and confusion in Christendome, both in the Church and temporall states, which for this quarrell the Popes procured, for fiftie yeares together, as *Malsbury* witnesseth; of this it is not my purpose to speake. It is enough for mee to open the time when it began, and before which time it was neuer challenged by any Pope, and to declare that the Popes late practise is condemned by the Iudgement of the auncient Church,

Malsb. Hen. I.

S. V.

Exemption of criminous Clerkes.

68. **O**Vr purpose being to take a suruey of that Iurisdiction which we finde challenged by Popes, at and somewhat after the time of the Conquest of England, at what time the Popes power was at the highest: we are to consider in the next place Exemption of criminous Clerkes; for as Inuestiture of Bishoppes began then to be claimed, so about these times crept exemption of the Popes Clerkes, which is taken to be another part of this Iurisdiction. My purpose is not to speake of lawfull exemption of the Clergie: for both Diuine and humane lawes approue such immunities, without which, how could the Clergie attend vpon their heauenly businesse? These immunities which Emperours and Princes haue giuen to the Church, the Church ought to inioy without disturbance, and to withdraw such immunities, were high sacriledge and impiety against God and his Church. But the question is not of these immunities which Christian Kings haue giuen to the Church, but of those immunities, which the Pope without the leaue or authoritie of Princes, hath bestowed out of his fulnesse of power vpon the Clergie which liue vnder the gouernement of other Princes, by which the Clergie inioyed a protection from punishment for any sinne: This is the thing for which they are not ashamed to strue euen at this day, as earnestly as they did in the midst of blindness. This thing will be better knowne if we search the originall foundation of this errour, from the beginning, and the occasion by which it grew in the

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Church.

Church. For now this opinion is, and for some late hundred yeeres hath beene so rooted in the Court of Rome (that the Clergie though neuer so much offending by murther, treason, theft, robberies, or such like, is priuiledged from all temporall Courts of Princes, and punishment from the Laity, vnlesse first the Church proceede against them, and make them no Clerks) that they are perswaded both of the truth and antiquity hereof, as of a point of faith: the occasion grew thus.

69. The first auncient and famous Emperours did out of their godly and zealous affections: and as we may well iudge, vpon good reasons to helpe the Church, and to preserue discipline, ioyned the aide of their coactiue lawes, to the spirituall censures of the Church: ordeining that whosoever by the gouernours of the Church could not be brought to obedience and order, should by the seuerity of temporall punishment be reduced to obedience. The vsuall punishment which Emperours did inflict vpon Clerkes, was deportation: So did *Constantine* the great punish *Eusebius* Bishop of Nicomedia, and *Theognis* Bishoppe of Nice. And albeit some were threatned with capitall punishment, as appeareth by a Letter which *Constantine* wrote to the Bishoppes of the Nicen Councel, recorded by *Socrates*, and inserted in the first Tome of Councels: yet the vsuall censure of the Emperour was exile. This kind of punishment was often inflicted by other Emperors vpon Bishops: the examples are famously knowne, and acknowledged, I need not to speake of them. Insomuch that it began to be enacted by Emperours to be a law, that all of the Clergie that offended might know their punishment: for that *Constantine* by whose authority the sixth Synode at Constantinople was held, in a Decree inserted in that Councell, saith: *Si quidem Episcopus esset, vel Clericus, vel monachico circumdatus habitum, deportationis penam exsoluet.* *Carlomanus* in a French Synode decreeth imprisonment: *Si ordinatus presbyter fuerit, duos annos in carcere permaneat.* These punishments were inflicted vpon such Clerkes, as would not be ordered by Ecclesiasticall censures of their Bishoppes; for so *Guntranus* doth testifie, a French King, by whose authority the Councel of Matiscan was held: *Quicumq; Sacerdos*

*Theodoret. lib. 1.
cap. 20.
Sozomen. lib. 1.
cap. 16.*

*Synod. sexta.
action. 18.*

Tom. 2. Concil.

Concil. Matiscan

tum (saith he in a Writ added to that councell) *aut secularium in intentione mortifera perdurantes crebrius admoniti, si se emendare neglexerint, &c. alios canonica severitas corrigat, alios ligatos pana percellat.* And a little after he saith: *Conuenit ut iustitia & aequitatis in omnibus vigore seruato, distringat legalis ultio indicum, quos non corrigit canonica predicatio Sacerdotum.*

70. Then the ancient practise was, that the temporall Magistrate should punish such as offended of the Clergy, as well as of the Laity. Concerning the antiquity of this exemption of Clerkes from temporall Courts: wee finde no president for it, all the while that the Emperours had any gouernement and commaund in Italy. But when the Pope was able to meet the Emperour in battell, and giue him the worse, then began the authority of the ciuill Magistrate to decay in Rome, and fell at the last into contempt. And the Pope hauing cast off the yoak of obedience, which before he held to the Emperour as to his Soueraigne, began to take an authority to himself, which neither God nor man had giuen him. Hence proceeded that vsurpation of power to giue Lawes to other. Pope *Nicholas* the first, in the eight hundred and threescore yeare of Christ, writeth in his Epistle to the Emperour *Michael*, in another stile, then his predecessours had vsed to write to Emperours before. Among other things contained in th^e Epistle, whereas the Emperour had written for a Clarke that had offended him, and was fled to the Pope; whom the Emperour required to be sent back again to Constantinople, Pope *Nicholas* to this maketh this answer. [Wee haue from the great power of *Peter* and *Paul* right and power to call Clerkes from any other Diocesse, if wee thinke good, and to inuite them to vs. This is our right: but Christian Emperours haue no right at all to make any inquisition for Monks, vnlesse it be in fauour to pity them.]

*Palmer. Chron.
An. 726.
Naucter. gener. 25.*

*Epistol. Nicolai.
ad Michael. imperatorem.*

71. Here we obserue the difference betweene the spirits of Popes in this time, and the spirits of auncient Popes who held the doctrine of obedience, as the Fathers then did, drawing the doctrine from the Scripture and examples of Christ and his Apostles. Christ when he was vniustly condemned, exempted not himselfe from the punishment of the ciuill Magistrate, and

Rom. 13. 1.

1. Pet. 2. 13.

Chrysost. & Oecum. in Epist. ad Rom. 13. 1.

Aeneas Silvius in gestis concil. Basiliens.

In orat. ad subdit. et imperat. irasc.

Lib. 3. cap. 8. confess.

Leon. Epist. 80. ad Iulian. Coenſ. Episcop.

Lib. 2. indict. 11. cap. 100.

yet he wanted no power to haue done so, if hee would. These late Romane counterfeit Catholiques, when by their rebellious doctrine and bloody practises, they haue iustly prouoked the Magistrate against them, yet forsooth will denie him authority to punish them. Saint *Paul* teacheth: Let euery soule be subiect to the higher powers. S. *Peter* teacheth the same doctrine, Submit your selues to all manner ordinance of man. The Fathers receiued this doctrine from the Scriptures, and preserued it faithfully in the Church. *Chrysostome*, and after him *Oecumenius* expounding that place of *Paul*, say thus: *Omnem animam instruens, siue Sacerdos sit quispiam, siue monachus, siue Apostolus, ut Magistratibus subdatur: nam hac subiectio non euertit pietatem.* A learned man of late (which also was Pope) speaking of these words, *Omnis anima subdita sit*, &c. saith: *Nec animam Papæ excipit.* So doth God sometimes draw testimonies for the truth, out of the mouthes of them that oppugne it. The auncients helde this truth vp in great sincerity. *Gregory Nazianzen* saith: *Homines cuncti &c.* All men are ordered in subiection vnder the higher powers. Hee that saith all men includeth the Pope and his Clarkes. *Augustine* saith: *Generale pactum est societatis humana obedire gregibus suis.* *Leo* the first saith: *Ad imperialem pertinet potestatem ut perturbatores Ecclesia, pacis, & reipub. quæ Christianis principibus merito gloriatur, inimici, sollicitius comprimantur.* These troublers of the peace of the Church and state, of whom he speaketh were Clergy men. For in that Epistle *Leo* writeth against certaine of the Clergy, who embraced the error of *Eutyches*. Then in the time of Pope *Leo*, this was not the doctrine of the Church of Rome, which now these Romane Libertines haue brought in. *Gregory* the first writeth to the same purpose: *Potestas super omnes homines dominorum meorum pietati calius data est, ut qui bona appetunt adiuuentur, ut cælorum via largius pateat, ut terreste Regnum cælesti Regno famuletur.* In the same Epistle, he induceth Christ thus speaking to the Emperour: *Sacerdotes meos tuæ manui commisi.* Then *Gregory* knew no other doctrine but that Priests were subiect, & by Christ subiected to the Magistrate. And whereas the Emperour commanded a law to be executed, which *Gregory* misliked: hee

writeth thus to the Emperour. *Ego quidē iussioni tuæ subiectus eandem legem per diuersas terrarum partes transmitti feci:* That is, [I being subiect to your cōmand, haue caused that law to be sent to diuers Prouinces: but because the law consenteth not with the law of Almighty God, behold I haue signified the same by my letters to your most excellent Lordship: so that on both parts I haue payed what I ought, for I haue yeelded obedience to the Emperour, & haue not cōcealed what I thought for God.] Then *Gregory* knew no exemption, he accounteth himselfe among them that owe subiection and obedience to Emperours.

72. Concerning the punishment of Heretiques & Schismatiques that were criminous, there was no other means knowne in *S. Augustines* time, then the coactiue power of the ciuil Magistrate. For thus he saith: *Sine hoc volunt Donatista, &c.* [If the Donatists will not grant this power to the Emperour, why doe they acknowledge the force of the Lawes to be iustly executed against other malefactors, and deny the same to be done against hereticks and Schismaticks, seeing by the Apostolicall authority they are all alike numbred with the same fruits of iniquity? Must not these humane ordināces regard such things? Why then doth he beare the sword? &c.] Thus saith *Augustine*: And in the same place he declareth that there is one law imperial general against all that professe theselues Christians, but are not true Catholicks, but keep priuate conuenticles, that either he that ordaineth such a Clerke, or the Clerke so ordained, should loose ten pounds of gold, & the place where such conuenticles were kept, should be forfeited to the Emperours Exchequer. And againe he saith thus. *Mirantur quia cōmouentur potestates Christiana aduersus detestandos dissipatores Ecclesia. Si nō ergo moueremur, quomodo redderent rationē de Imperio suo, Deo?* And much more he saith to this purpose. Frō these few places of *August.* we obserue: First, that in his time there was no doubt made among Catholicks, but that the Magistrate should punish criminous Clarks, by his coactiue power. Otherwise they could not rēder to God an account of their gouernment: which standeth full against the doctrine of the present court of Rome. 2. That they who first sought priuiledges & exemptions from the sword of the Magistrate were Donatists.

Lib. 1. cap. 6. contra Epist. Parmeniani.

In Euangel. Ioh. tractatu. 2.

wherein the Court of Rome succeedeth them, taking other errors from other filthie heretiques, and this from the Donatists.

73. This was the auncient Doctrine : but now at Rome they teach the contrary. *Bellarmine* saith, that such Clerkes as are within the Dominions of any King, are not subiects to that King, meaning that they are the Popes subiects, and therefore not the Kings. He saith also that Clerkes owe no obedience to Kings, neither by Gods law, nor mans. *Non sunt amplius Reges Clericorum superiores, & proinde non tenentur iure Diuino, nec humano, eis parere, nisi quantum ad leges directiuas.* That is [Kings are not now any more Soueraignes of Clerkes; and therefore Clerkes are not bound to obey them by Gods Lawe or mans law, vnlesse it be in respect of lawes directiue.] What his meaning is by lawes directiue, he expoundeth thus : That Princes haue no coactiue power ouer the Clergie, but onely power directiue. If the Prince direct some things for the good of the Common-wealth, Clerkes (saith he) are to obey such directions; but he addeth : *Nec volumus dicere his legibus teneri Clericos obligatione coactiua, sed solum directiua, ut sunt leges principum: quanquam isdem legibus, ut ab Ecclesia approbantur, & rata habentur, etiam coactiua obligatione teneantur.* [Wee graunt not, saith he, that Clerkes are bound by these lawes of Princes, in a bond coactiue, but onely directiue, as they are lawes of Princes. Albeit the same Lawes being approoued and ratified by the Church, bindeth Clerkes in a bond coactiue.] By this new and admirable doctrine, Princes haue no coactiue power ouer their Clergy, but the Church hath coactiue power ouer them : by the Church he meaneth the Pope here : and therefore comparing the lawes of Princes with the Popes Canon lawes, he saith; *Legi Canonica etiam in causis criminalibus codere debet lex imperialis.* That is, The imperiall law ought in matters criminall to giue place to the Canon law : by which doctrine we finde, that they tread the pathes, and fil vp the measure of their forefathers the olde Friars : maintaining that which *Iohn Wicliffe* obserueth was first begunne by Friars: that the King was not Lord of the Clergie, but the Pope was thejr Lord. Thus a new King is raised vp ouer the Popes Clerkes, and the Scripture is verified
which

*Bel'arm. l. de
Clericis. ca. 28.*

Ibid.

Ibid.

which faith: And they haue a King ouer them, which is the Angell of the bottomlesse pit, whose name in Hebrew is *A. Apoc. 9. 11.* *baddon*, and in Greeke he is named *Apollyon*.

74. The Laterane Councell was held in the yeare one thousand, two hundred, and fiftene. It is decreed in the same Councell, That Heretickes being condemned, should be deliuered ouer to the secular power: from which time these pretended priuiledges haue growen so great, and swollen vp so bigge, that not being able to holde together, they are burst in the midst, hauing drawne vpon themselues the iust vengeance of God, and of Magistrates, so procuring their owne ruine. But because *Bellarmino* cyteth a few testimonies to prooue the exemption of Clerks from secular iudgements, we may first briefly examine them, and so proceede. Hee cyteth thus; *Concil. Mileuitan. Can. 13. & Matifcon. Can. 8.* These places he quoteth, producing no words. He cyteth also other places thus: *Sulpicius lib. 2. Sacra histor. refert. s. Martinum aliquando dixisse non uiri esse & mandatum nefas, ut causam Ecclesiæ index seculi indicaret. Item Ambrosius Epist. 78. ad Theophilum. et August. Epist. 62.* These places are cyted or quoted by *Bellarmino*, barely without the Authours wordes. We answer in a word: All this toucheth nothing our question, of exempting criminous Clerkes from temporall Courts: for these places speake not one word of this thing.

75. The first place, *Concil. Mileuit. can. 13.* to preuent such busie fellowes of the Clergy, which caried their causes to Rome (as then some did) ordeyned, that euery Clerke should be gouerned by his owne Superiour. What is this to the purpose? This is all which that Canon faith. The next Canon of the Matifcon Councell faith, that if one Clerke had a matter against another Clerke, he should not complaine to the secular Iudge, but to the Bishoppe: This maketh as little to the purpose. Afterward he citeth for exemption from punishment, these places; *Conc. l. Chalced. can. 9. Si Clericus aduersus Clericum habet negotium non relinquat Episcopū suum, & ad secularia iudicia non recurrat, &c. Concil. Agathens. can. 32. Clericum nullus presumat apud secularē iudicem, Episcopo non permittente pulsare, &c. Concil.*
Car-

Carthag. 3 can 9. Toletan 3. can. 13. Matiscqn. cap. 8. These testimonies speake as little for him as the other. The 9. Canon of the Chalced. Councell speaketh not of the immunities of criminous Clerkes, but onely prescribeth how one Clerke should accuse another before the Bishoppe, and not before the ciuill Iudge. And this is the purpose of all the other places cyted out of *Concil. Agathens. Carthag. Toletan, and Matiscqn.*, all speake of one thing: Onely here, one part of their knowne knauery is to be opened: for he cyteth *Concil. Agathens. can. 32.* thus; *Clericum nullus præsumat apud sacularem indicem Episcopo non permitente, pulsare.* Marke good Reader a worke of darkenesse, an example of Romish impudency: by true, sound, and vn suspected Recordes, these priuiledges which now are in question betweene vs, cannot be proued to haue beene established of old, or to haue any testimonie of antiquity, but by vertue of their expurgatoriall tables, they are able to shew vs this auncient Canon of the Councell of *Agatha*, corrupted by themselues. For the Canon which *Bellarmino* cyteth of this Councell, and the masked Romish Catholicke Diuine taketh from *Bellarmino*, in some later Editions hath these wordes as they are cyted by him: but in the first incorrupt Edition of Councils, set forth by *Peter Crab*, the wordes of that Canon are thus set downe: *Clericus nec quenquam præsumat apud sacularem indicem Episcopo non permitente, pulsare.* And thus it is read by them that aunciently cyte the same. Now this agreeth well with the ninth Canon of the Chalced Councell, which ordeyneth that if one Clerke will accuse another, it must be before his Bishoppe; if he will accuse the Bishoppe, it must be in a prouinciall Synode: if he will draw a Metropolitane to answer for some things which he hath done, it must be either before the Primate, or before the Bishoppe of Constantinople. All this we graunt to be orderly established, the things intended are matters of Ecclesiasticall Cognisance, which are to bee heard in such Courts: but our question is of Clerks that are conuined to be murtherers, or Traytors, &c. Whether such are to bee exempt from triall at Common Law: Of which exemptions these auncient Bishopps neuer dreamed.

76. It is moreouer to be noted, that diuers of these places which he citeth, as that from *Sulpitius* of *S. Martin*, and from *Ambrose*, &c. are vnderstood of another thing, and not of exemption of Clerkes at all. For the auncient Bishops, as before I haue declared, thought it not lawfull that matters of faith and doctrine should be determined in ciuill Courts by ciuill Magistrates. This is true: and this is that which those testimonies speake of; but what is this to criminous Clerks? that Robbers, Traytors, murtherers of the Clergy should be protected by reason of their Order from triall in Kings Courts: this is a doctrine neuer knowne to the auncients. It was first knowne in England in the dayes of *Henry* the second, stirred seditiously by *Thomas Becket* Archbishop of Canterbury, when as before that time it was neuer heard of in this land. The manner heereof I will briefly recite out of *Roger Houeden*.

77. In the yeare of Christ 1163, the contention concerning exemption of Clerkes, grew famous betweene King *Henry* the second and *Thomas Becket* Archbishop: *Rex volebat* (saith *Houeden*) *Presbyteros, Diaconos, Subdiaconos, & alios Ecclesie rectores, si comprehensifussent in latrocinio, vel murder, vel feloniam, vel iniqua combustione, vel in his similibus: ducere ad secularia examina, & punire sicut & laicum. Contra quod Archiepiscopus dicebat, quod si Clericus in sacris ordinibus constitutus, vel quilibet alius rector Ecclesie calumniatus fuerit de aliqua re, per viros Ecclesiasticos & in curia Ecclesiastica debet indicari. Et si conuictus fuerit, ordines suos amittere, & sic alienatus ab officio & beneficio Ecclesiastico, si postea forisfecerit, secundum voluntatem Regis & baliorum suorum indicetur.* That is: The King required that Priests, Deacons, Subdeacons, and other Rectors of Churches, if they were taken in murther, robbery, felony, burning of houses, or such like, should be brought to secular Courts, and there punished as Lay-men were. Against this the Archbishop affirmed, that if a Clerke being within holy Orders, or any other Parson of a Church were accused of any thing, he must be iudged by Ecclesiasticall Iudges in the Ecclesiasticall Court: and if he were conuict, he should loose his orders. And so being excluded from office and benefice Ecclesiasticall, if after this he in-

Houeden. Henric. 2.

Thomas Becket stood for this priuiledge of holy Church, that although one of the Clergy had committed felony, murther, or treason, yet might not the King put him to death as he did the Lay-men. *Fabian. Part. 7. cap. 237.*

curred the like fault, then might he be iudged at the pleasure of the King and his Officers. Thus farre *Howeden*.

*Bellarmin. lib. de
Clericis cap. 28.
Theodoret. lib. I.
cap. 20.*

*Institut. lib. 4. ca.
II. §. 15.*

78. This manner of degrading and afterward deliivering criminous Clarkes to the Secular power, crept in about the time of the Conquest. *Bellarmin* pretending greater antiquity for it, can neither bring reason nor testimony for his opinion. For whereas he saith, *Eusebius* Bishop of *Nicomedia* was first deposed by the Nicen Councell, and afterward banished by *Constantine*, by this offering to proue, that they must first be deliivered to the Secular power, before the Magistrate may punish, and reproveth *Caluin* for not considering thus much: We answer, *Bellarmin* sheweth his skill in shifting, and hiding the truth to deceiue the simple. For *Caluin* in that place which he citeth against this Romish immunitie, proueth two things. First, that coactiue power is in the hand of the Prince, and not of the Church. *Ecclesia cogendi non habet ptestatem, de ciuili coactione loquor*, saith he. Secondly, that criminous Clarkes had no immunities from the ciuill Courts of Princes. Now that *Bellarmin* saith, *Eusebius* was first deposed by the Councell, and then banished, is nothing against *Caluin*, but for him. For the Church did not inflict the coactiue punishment of banishment, but the Emperour. And *Caluin* proueth at large in the same place, that Kings and Emperours haue no authority to iudge in causes of faith; Producing the example of *Ambrose*, who in such a cause resisted the Emperour *Valentinian*. Such a cause was that of *Eusebius*: the Emperour knew not whether he was in fault or not, before the Church had iudged the cause. But *Caluines* iudgement, and our question standeth in two things, against which *Bellarmin* doth not so much as speake one word. First, that coactiue power was not then in the Church, but in the Emperour: Secondly, that criminous Clerkes were then punished by the Magistrate. *Eusebius* is not there proposed as a criminous Clerke, but as an example wherein the coactiue power of the Magistrate appeared. But now they say, if a Clerke bee proued to be a felon, murderer, traytor, &c. the Kings Courts may not censure this man, before he be degraded. Against these immunities wee speake, for which *Bellarmin* offereth not any prooffe.

prooffe. Let the manner of *Bellarmines* answering bee considered: for it is easie for him thus to answer *Caluin*, and all Protestants, when he toucheth not the point in question: but singling out of some peece from the whole, wrestleth that also from the true intent, that he may shape a mis-shapen answer to it. Then we say, that before those desperate times, wherein *Iohn Wickliffe* saith, and often affirmeth, that Satan was loosed: no man claymed such a beastly priuiledge, as to be exempt from the Kings Lawes for murder, treason and such like. Godlinesse, reason, and the light of Nature seemeth to be extinguished in these men, that being contented to take the benefite of Lawes, will not be contented to bee ordered by Lawes. This hath forced some Princes and States to ordaine Lawes that such should be out of the Kings protection. Thus did that noble Prince *Edward* the third, King of England. Wherein the King seemed to open the true way to his successors, to deale with these men, for seeing as then they did, so now: they doe denie themselves to be the Kings subiects; and affirme that neither by Diuine nor humane right, they are bound to obey the King with his coactive Lawes: and that they are onely vnder the subiection of the Pope: that for no crimes they are to bee examined in the Kings Courts: is it not great reason that the protection of the King, and of his Lawes should bee denied to them that reiect both?

*Statut. 25. Ed. 3.
de prouisoribus.*

*Bellarmin. lib. de
clercis. cap. 28*

79. *Houeden* declareth also, that in the yeare one thousand one hundred sixtie foure, the King called a Synod, and requi-
red the Bishops vpon their allegiance, to receiue his Graund-
fathers Lawes, to vse and obserue them. *Thomas Becket* answered for him and the rest, they would keepe all the Lawes of his
auncetours: *Saluo in omnibus ordine suo, & honore dei, & sancte
ecclesie*. This clause was thought new, scrupulous, and offensive.
The King would haue him yeeld without exception, but the
Archbishop would not. In this contention *Philippus* a Legat
from the Popes side, came into England, by him the Pope and
all the Cardinals commanded the Archbishop to yeeld to the
King without exception: whereupon hee did so, but afterward
reuolted from that promise. Hence a new contention began:

Houeden. Henry 2.

but being againe perswaded, hee promised obedience to the Kings Lawes. The King to hold fast this slippery Merchant, required all the Bishops to set to their approbation, and scales to those Lawes. Hereunto when other assented, the Archbishop swore that hee would neuer set his scale to them, nor allowe them. Afterward the Archbishop suspended himselfe from celebrating Masse, and desired to goe to Rome, but the King denied him. The Bishop of London accused him of Magick. The King perceiuing his rebellious disposition, required the Barons to giue iudgement of him, that being his subiect, would not be ruled by his Lawes. *Cito facite mihi iusticiam de illo, qui homo meus ligus est, & stare iuri in curia mea recusat.* As the Barons were attending this seruice, and now ready to giue sentence: I prohibite you (quoth the Archbishop) in the behalfe of Almighty God, to giue sentence vpon me, for I haue appealed to the Pope. And so he departed, *Omnibus clamantibus*, saith mine Author, *quo progredieris proditor? expecta & audi iudicium tuum.* The Archbishop after this stole away out of the land, changing his apparrell and name, for hee called himselfe *Deerman*. The Archbishop thus conueying himselfe out of the land, came to the Pope, and shewed him a Copy of these Lawes, which the King called his Grandfathers Lawes. When the Pope heard them read in the presence of his Cardinals and diuers others, hee condemned the Lawes, and excommunicated all that maintained them. *Condemnauit illas in perpetuum, & anathematizauit omnes, qui eas tenebant, & aliquo modo fauerent*, saith *Houeden*.

80. Thus did the Popes then stirre to aduance their spirituall Iurisdiction (as they called it) to such an height, that the Kings of the earth, who are set vp by God to iudge the world, could not execute iustice and iudgement vpon offenders; might not be suffered according to the commaundements of God, to take vengeance of murtherers, robbers, incendiaries, traytors; might not execute that office, for which onely they beare the sword. Now because the deuotion, sense, and iudgement of all ages, is pretended to be for the Popes Iurisdiction, and against the Kings: let vs obserue the iudgement of the men that liued

at this time. We shall finde in all this question of Iurisdiction, and of these exemptions in particūlar, that the king was iustified and the Archbishop condemned. The Kings auncient Iurisdiction acknowledged, the Popes new Iurisdiction, and the Archbishops disobedience disallowed and abhorred of all. For all the Bishops of the Prouince of Canterbury, wrote a letter to the Archbishop, the letter is extant in *Houeden*. Therein they entreat him to yeeld to the King: they commend the Kings care and zeale for the Church. They testifie that the king requireth no more of him, then the due honour which his ancessours haue alwaies had. *Rex a Domino constitutus pacem prouidet subiectorum per omnia, ut hanc conseruet Ecclesys, & commissis sibi populis, dignitates regibus ante se debitas & exhibitas sibi vult exhiberi & exigit.* [The King ordained by God, prouideth his subiects peace by all meanes, that he may preferue this in the Churches, and people vnder him, hee requireth and exacteth that Iurisdiction, which was due and exhibited to the Kings which were before him.] They charge him with rashnesse, and furious anger for suspending and condemning the Bishop of Salisbury and the Deane, before any question of their fault was moued. *Ordo iudiciorum nouus* (say they) *hic est, huc vsq; legibus & canonibus ut speramus incognitus, damnare primum, & de culpa postremo cognoscere.* [This is a new proceeding of iudgements, and as wee hope vnknowne in Lawes and Canons to this day; first to condemne a man, and last of all to know the fault.]

*Houeden Annals
pag. 292.*

81. And that the iustification of the King in this cause, and the condemnation of the Archbishoppe might be made more euident to all the world; the same Suffraganes, that is, all the Bishops of the Prouince of Canterbury, wrote to Pope *Alexander* the third, to whom they giue a worthy & famous testimonie of the Kings iustice, temperance, and chastitie: declaring that the King could not be suffred to execute his Princely office, nor effect his good and godly purposes in execution of Iustice, for the filthinesse of some of the Clergie. *Rex* (say they) *fide Christianissimus, in copula cōiugalī castissimus, honestissimus, pacis & iusticie cōseruator & dilator incōparabiliter strenuissimus, hoc vobis agnoscitis, in his seruet desiderijs, ut de regno suo tollamur scandala, cūq; pur-*

entis suis eliminantur peccata, pax totum obtineat atq; iustitia &c.
Qui cum pacem regni sui enormi inselentium quorundam Clerico-
rum excessu, non mediocriter turbari cognosceret &c. That is,
 [The King in faith most Christian, in the bond of matrimoniall
 chastity most honest, for preservation and dilatation of peace
 and iustice, without comparison the stoutest, doeth with great
 zeale and affections desire this, that scandalls may be removed
 out of his Kingdome, that sinnes with their filth may be banish-
 ed, &c. and finding the peace of his Kingdome not a little trou-
 bled with the enormous excessse of some insolent Clerks, &c.]
 And thus they proceede, declaring wherein those strange ex-
 emptions stood, which then began first to bee knowne in the
 world. For, say they, if a Clerke should commit murder, &c.
 the Archbishoppe would haue him punished onely by degra-
 ding, but the King thought that punishment not sufficient for
 establishing of peace and order, and for execution of iustice.
Hinc non dominationis ambitu, non opprimende Ecclesie libertatis
intuitu, sed solummodo pacis affectu eo Rex progressus est; ut regni
sui consuetudines regibus ante se in regno Anglia a personis Ecclesi-
asticis obseruatas, & pacifice & reuerenter exhibitas Dominus no-
ster Rex deduci vellet in medium. That is, [Hereupon not
 through ambition of Domination, not with any purpose to op-
 presse the liberties of the Church, but onely in a zeale of peace
 the King proceedeth thus farre, as that hee will haue the cu-
 stomes of his Kingdome now brought to open knowledge,
 which Ecclesiasticall persons haue obserued, and peaceably and
 reuerently exhibited vnto the Kings of the kingdome of Eng-
 land before him.] And a little after; *Hac est Domini nostri regis*
in Ecclesiam Dei toto orbe declamata crudelitas, hac ab eo persecu-
tio. That is [Now this is the crueltie of our Lord the King, that
 is so much spoken of through the world against the Church;
 this is that persecution that he raifeth.] Then it is an auncient
 complaint of these Romish Catholickes, to call the iust, lawfull,
 godly, and necessary execution of iustice, crueltie and persecuti-
 on: this complaint hath beene euer since continued by them;
 and most of all where there is least cause, euen in the milde and
 mercifull gouernement of the late Queene of famous memory.

What

What crueltie did they impute to her? What persecution to her Gouvernement? When they are not able to proue that one man was executed for Religion, but for treason : Which was so much the more dangerous, because it was masked with the vizard of Religion: but Religion is not, nor euer was the cause why our Kings punished the Popes Clerkes, but onely Iurisdiction. For when the Pope will stretch his Iurisdiction so farre, as to include coactiue power, and to exclude Kings from the gouernement of their Subiects, drawing the Clergie from the obedience of their Kings, to the obedience and subiection of the Pope; drawing the subiects of other Kings vnder his subiection by an Oath of Allegiance: and hereupon perswading al that will hearken to him, that they may not yeelde an Oath of Allegiance to their owne Princes: the Popes Iurisdiction being drawne to these points (as now by the confession of themselves they are) the question betweene the Pope and Christian Princes, is not of Religion, but of Iurisdiction, of ciuill and coactiue Iurisdiction; and the summe of all is this; Whether the Princes of Christendome shall be free Princes, or the Popes Vassals?

The issue of
exemptions.

82. By this which we haue declared, we see the cause of our Kings iustified against the Archbishoppe, and the exemption of Clerkes (for which the Archbishoppe stroue, and which since that time is claimed to be an especiall priuilege of that Church) to be condemned by the chiefe of the Clergy, by all the Bishops of that Prouince: and that euen to the Pope himselfe. Which thing the Bishoppes of the English Church would neuer haue done, vnlesse they had bene well assured that the Kings cause was good, and that the contrary opinion was a pernicious nouelty, a late vpstart deuice in the Church. But howsoeuer the Popes Clerkes pretended their new forged priuileges, yet the Kings of this land held still their olde course in the auncient manner of execution of iustice against them that offended. And therefore *Henry* the second by law commaunded, as *Houeden* saith, that the Bishoppes of London and Norwich should be summoned, that they might be before the Kings Iustices to answer, for that they against the statutes of the Kingdome

*Reg. Houed.
Henr. 2.*

kingdome did interdict the land of the Earle *Hugh*

83. This exemption of Clarks was a new practise in the time of *Marsilius* of Padua, and not so new as pestiferous, occasioning the ruine of States, and being as a furie sent abroad from hell to disorder all gouernment. For thus he complaineth of it.

Quibus non contenti, sed secularium contra Christi & Apostolorum preceptum, appetentes fastigia, in legum Latrones scorum ab ijs qua Ciuium vniuersitatis sunt, proruperunt. Omnem clerum ab his decernentes exemptum, ciuile schisma & principatum supremorum pluralitatem inducentes ex ipsis, &c. Hac pestilentia Italici regni radix est & origo, ex qua cuncta scandala germinauerunt, produnt, & qua stante nunquam ciuiles ibidem cessabunt discordia, &c.

That is, [Not content herewith they (the Popes) seeking the honour of secular gouernment, against the commandement of Christ and his Apostles, haue taken vpon them the ordaining of Lawes and Canons, other then such as serue for the common good. They decree that all the Clergie are exempt from temporall Princes, heereby inducing a pluralitie of Soueraignties, &c. This is the roote and spring of the pestilence of the Empire; from whence all scandals grow, and which standing, ciuill discord shall neuer haue an end, &c.] Thus were these exemptions then found, and acknowledged to be the pestilence and ruine of all states, especially of the Empire: And his reason is well to be obserued, because, saith he, it bringeth in *Pluralitatem supremorum principatum, quam velut impossibilem humanae quieti demonstrauimus*: he proueth the plurality of Soueraignty a thing impossible to stand with the quiet and peaceable Gouernment of the world. Now this exemption must eyther induce a plurality of Soueraignties, when the Pope is one Soueraigne, and the Prince another, which is impossible in nature (saith *Marsilius*) or else it denieth the Kings Soueraignty to establish the Popes, which thing can neuer bee indured by any Prince.

Defensor pacis
part. 2. cap. 23.

§. VI.

Of the Popes power in giuing lawes.

84. **A**Nother thing whereby this new Iurisdiction of the Pope was so highly aduanced, was, giuing of Lawes to Princes, and their subiects; whereas before Princes had giuen lawes to him. *Marsilius* in the wordes last cyted in the end of the last Paragraffe, speaking of these lawes, saith: They now break out into a practise of Iurisdiction, taking vpon them to make lawes, separat and distinct from such lawes, as are for the common and publike good of all: meaning the Canon lawes: which because they intend onely the priuate aduancement of the Pope, and not the publike good of the Church: being also made onely by the authority of the Pope, and not by the publike consent of the Church: therefore he doth not account them lawes, but Oligarchicall, and tyrannicall Decrees; these lawes are to be considered, because they make so great a shew of the Popes Iurisdiction.

85. The Church before, was gouerned by Bishoppes and Metropolitanes, in such order, that the affaires of euery particular Diocesse were ordered by the Bishoppe, or by a Synode of his calling: the affaires of the Prouince were determined by the Metropolitane, or by a Prouinciall Synode of his calling: from an Episcopall Synode, a man might appeale to a prouinciall Synode; and from a Prouinciall Synode, to a nationall: but from a prouinciall or from a nationall Synode, none might appeale to the Bishoppe of Rome: for which thing diuers Decrees were made in prouinciall Synodes, as we haue before declared. As the Bishoppes were Gouvernours, so the lawes whereby they did then gouerne the Church, were the Canons of auncient Councils; especially of those foure most famous Councils of Nice, Constantinople, Ephesus, and Chalcedon: For that the Canons of these Councils were held for the lawes of the Church, it appeareth by a Constitution of *Iustinian*, extant in the fift Synode, held at Constantinople: wherein *Iustinian* the Emperour declareth that *Anthimus* was deposed from the Bi-

*Constitutio Iustini-
niani quat. Sy-
nod. act. 1.
Memne Patri-
arche.*

shopricke of Constantinople by Pope *Agapetus*, and a whole Synode with him consenting, for that he had departed from the doctrines of those foure holy Synodes, the Nicen, the Constantinopolitan, the Ephesian, and the Chalcedonian: The Emperour also declareth, that he being deposed by the Church, should be banished by him, ioyning his coactiue power to the spirituall Iurisdiction of the Church. This is the meaning of the imperiall Constitutions that are in this manner set forth by Emperours of religious and doctrinall matters: For the Emperours neuer tooke vpon them by their authority to define matters of faith and Religion; that they left to the Church: but when the Church had defined such truthes against Heretiques, and had deposed those Heretiques; then the Emperours concurring with the Church by their imperiall Constitutions, (*Sicq; Diuina pariter & humana concurrentia* (saith *Iustinian* in the same place) *unam consonantiam relictis sententijs fecere*;) did by their coactiue power giue strength to the Canons of the Church: And thus was the Church then gouerned, by the Canons of auncient approued Synodes for matters of faith and doctrine; and by the Constitutions of Christian Princes for matters of externall coactiue Iurisdiction. That *Constantine* by whose authority the sixth Synod was held at Constantinople, declareth that the Canons of the fise generall Councils (adding this second Constantinopolitan, to the other foure) were the rules or Canons of the Church.

6. Synod. sub-
scriptio sacra.
ante action. I.

86. So long as those Canons of auncient Councils stood for Church lawes, executed by the Bishoppes who were the Gouvernours, so long the Gouvernement of the Church stood vp in peace, order and Godlineffe; one Bishoppe incroached not vpon the Iurisdiction of another: But after that the Pope had intruded vpon the Iurisdiction of the Church, and was grown so great as that by coactiue power hee was able to maintaine his intrusion: then began hee to giue lawes, such as are comprised in the Decretals of *Gregory* the ninth, who was Pope in the yeare one thousand, two hundred and thirty, the first publisher of those lawes, which were continued by *Boniface* the eighth, *Clement* fift, *Iohn* the two and twentieth, and by some other

ther Popes vnto the yeare one thousand, foure hundred and eightie, for then liued *Sixtus* the fourth, whose Decrees are published in that part that is called *extrav. Commun.* since which times those lawes haue beene in some force in diuers nations, where they did not crosse the imperiall lawes of those nations, nor the Iurisdiction of the Kings thereof. Now seeing that the Popes Iurisdiction is so much set forth and aduanced by these Canon lawes, let vs in few wordes examine how he came to this Iurisdiction to giue lawes, and by what right he maintaineth it. If any man haue right to make and giue lawes, this right must either be from God giuen him, or from men, who haue had this right before in themselves: for euery man cannot giue this right, but onely such as haue it, and haue power to giue it: But the Pope receiued not this right of giuing lawes to all Churches from God; for God hath no where giuen any such Commission to him. The ancient Bishops of Rome, either did not claime any such Iurisdiction, or if any were carried by leuitie, and ambition out of their bounds, they were presently recalled and repressed by the godly Bishoppes of that age: As *Anicet* was by *Polycarp*, *Victor* by *Irenaus*, *Polycrates* and the other Bishoppes of Asia, *Zozimus*, *Boniface*, and *Celestinus* by *S. Augustine* and the Affrican Bishoppes: so that the Bishoppes of Rome could neuer be suffered to make lawes to the Church, for one thousand, or twelue hundred yeares after Christ: therefore this right was not from Christ.

87. For if it had beene from Christ, then should the Pope haue beene suffered to haue practised the same, before twelue hundreth yeares were expired. For the godly auncient Fathers did neuer withstand the Bishop of Rome, in any Iurisdiction which hee could claime from Christ. But in this thing it is knowne that they withstood him: therefore this Iurisdiction whereunto after so many hundreth yeares, hee intruded himselfe, against the iudgement of the auncient Fathers (who resisted him heerein) is not from God. Neither can this right bee claimed from man, because they who challenge it, will haue it to be a diuine right, not humane. And they quarrell vs for that we admit, that temporall Princes may haue such Iurisdiction: so

Iohn. 5. 43.

that they vtterly denie that this Iurisdiction is deriued from any humane power. Now he who is found to execute Iurisdiction which is neither giuen him from God, nor man : must needs be conuinced to be an intruder, and to come in his owne name, and consequently to fulfill that Scripture : I came in my Fathers name, and you receiue mee not. If another shall come in his owne name, him you will receiue. Which the auntient Fathers expound of the comming of Antichrist in his owne name. And what more pregnant prooffe can be brought of this his comming in his owne name, then is this intruding himselfe into a Iurisdiction, which he had neither from God, nor from the Princes of this world. And because the Pope after one thousand and two hundred yeares, had no more right to giue Lawes to the Church, then in former ages he had; therefore this Iurisdiction is vnlawfull, which by these Lawes hee practiseth. Wherein onely *de facto*, he is found to doe that, whereunto he neuer had right.

Bellarmin. lib. 4.
cap. 15. de Rom.
Pont.
Arist. Ethic. lib.
8. cap 10.

88. Moreouer, if *Bellarmine* haue declared the true conditions of iust and lawfull Lawes, it will followe that the Canon Lawes are no iust Lawes. *Bellarmine* confesseth that foure conditions are required in a Law, to make it iust : the first is drawne from the end, for it must be referred to the common good : for herein saith *Aristotle*, a King differeth from a tyrant ; because a King respecteth the common good of his subiects, but a tyrant looketh onely vpon his owne priuate profit : and thus saith *Bellarmine* doth a iust Law differ from a tyrannicall Law. Then are the Popes Canon Lawes proued tyrannicall and vniust, because they respect not the common good, but the private wealth of the Pope, as all those doe that draw all appellations to him. The second condition, which in *Bellarmines* iudgement maketh a Law iust, is drawne from the efficient. For it must be from a man that hath full authority. *Nemo enim potest legem imponere non sibi subdito*, saith he. By this it will likewise follow, that the Popes Canons are no iust Lawes, because the Pope hath no authority to make such Canons, binding them that are not his subiects, as we haue declared before. The third condition that maketh a Law iust, is drawne from the matter, saith *Bellarmine*,

Bellar. ibid.

for

for it must not forbid vertue, nor commaund vice: but the Canon Lawes are such as forbid vertue and commaund vice; as appeareth by all those Canons that proceede with their *non obstante*. I will note one example of many. There is a Canon that runneth thus. *Quum aliquibus recipiendi aliquem in Canonice alicuius Ecclesia, non obstantibus eiusdem Ecclesia, priuilegijs, consuetudinibus, vel statutis iuramento, confirmatione Apostolica, vel quacumq; firmitate alia roboratis, per nostras literas concedimus facultatem, &c.* That is: When wee graunt power to any by our letters to receiue any to be a Canon in some Church, notwithstanding the priuiledges of that Church, the customes to the contrary, or statutes confirmed either by Oath, or by Apostolicall confirmation, or by any other strength, &c. By this Lawe, as by many other, it appeareth, that the Popes Canons allowe that men should goe against their owne Oathes when the Popes letters doe commaund them so to doe. Which is a forbidding of things honest, iust, and godly, and commanding things euill and vnlawfull. Therefore these Lawes forbid vertue, and commaund vice, and are consequently no iust Lawes in the iudgement of *Bellarmino*.

De Rescriptis.
cap. 14. 6. De
creta. lib. 1.

89. The last condition that in *Bellarmines* opinion is required to make a Law iust, is drawne from the forme: Because saith hee, the Law must keepe that proportion in distributing honours, which the Subjects haue in the Common-wealth. For example saith he, if the Pope should make a Law, that onely rich and noble men should be made Bishoppes, and not poore and meane men otherwise more learned and more worthy, this Law were simply vniust: but it is certaine that the Popes Lawes are such. I speake not here of their corrupt practise, which since the Canon lawes came in, was neuer found without strong and strange Simonie: but I speake of their Lawes, which command it. For who made that Law which saith, *Pallium non datur nisi fortiter postulanti*: The Pall is not giuen to any man, vnlesse he make a strong suit. What is meant by a strong suit, they know best that haue purchased Palls at the Popes hand. But it is certaine that a poore man did neuer purchase a Pall, therefore poore men, though more learned then the rich purchaser, are

Dist. 100. cap. 2.

Dist. 40 Si
Papa.

Dist. 34. cap. 4.

excluded from this honour by the Law, that alloweth none to make suit, but such as can make strong suit, then the Law is vniust by *Bellarmines* confession. It is also an vniust and an vngodly Law, which saith: Though the Pope should draw innumerable soules with himsele downe into hell, yet no mortall man may presume to say to him, Sir why do you so? It is an vncleane Law, which so strictly denying the mariage of Priests, yet doth allow them to haue Concubines. Many other Lawes there be of this forme. So that by all those conditions which *Bellarmine* will haue to be requisite in all Lawes that bee iust, the Popes Lawes are found to be vniust. By all which is euinced, that the Pope commeth in his owne name, maketh Lawes to rule those Subiects, ouer whom he hath no authority; respecteth therein his owne ends, taketh vp a new Iurisdiction which hath beene denied by the auncient Bishops, and which was vnknowne in the world all the while, that the Popes liued vnder the obedience of the Emperours, as other Bishoppes did vnder seuerall Princes.

§ 7.

Of Appellation.

90. **A** Nother part of this pretended Iurisdiction, stood in appellation to the Pope. This they haue chalenged, but it hath alwayes beene denied by the Kings of this land, as being a thing preiudiciall to the auncient Lawes and customes of the Kingdome. The first question about appeales in this land, that I can finde, began by *Anselme* Archbishop of Canturburie, in the time of *William Rufus*. For after that some breach was made betweene the King and the Archbishop, the Archbishoppe *Anselme* desired leaue to depart the land, to goe to Rome for his Pall. The King perceiuing that hee had a purpose to appeale to the Pope, Answered, That if hee should appeale to Pope *Urban*, or any other (for at that time two stroue for the Papacy) without his leaue, then should he falsifie his alleageance. The King reasoned thus, saith *Malmsbury*: *Consuetudo Regni mei est, a Patre meo instituta, ut nullus præter licentiam Regis appelletur Papa. Qui consuetudines Regni tollit, potestatem*

Malmsbury. lib.
1. de gestis Pon-
tif. Angl.

testatem quoq; & coronam Regni violat, qui coronam mihi auferi, inimicitias & insidelitatem in me agit. For there was contention betweene the King & the Archbishop: First, because the Archbishop would nominate a Pope without the Kings leaue, Secondly, because he would appeale to the Pope. Concerning this matter of appeale, the same Author a little after declareth that there grew an hot contention betweene them. *Anselme* his answer was, *Tues Petrus & super hanc Petram, &c.* And therefore (quoth he to the King) the obedience which I offer to *S. Peters* Vicar, is not against mine allegiance to the King. Thus had the Popes with a strong kind of poyson, as it were so enchaunted those words of holy Scripture, as to make them serue for a cloake of disobedience, and breach of allegiance to temporall Princes. *Anselme* being further vrged by the King, that he had promised to keepe all the customes of his kingdome, and hee was bound to performe allegiance, aunswereth thus. [What doe you tell me that I breake mine allegiance to the King, by appealing to the Sea Apostolique? I grant I promised, but conditionally, that I would keepe those customes which are agreeable to the lawes of God, and honesty. And therefore where you tell me that I haue broken mine allegiance, by preuaricating your laws in appealing to the Sea Apostolique; sauing your honour it is not true, if another had spoken it. For the faith which I owe to the King, I haue it from the faith of God, whose Vicar is *S. Peter*, to whose Sea I appeale: with much stirre and strife to this effect *Anselme* held his resolution stiffely.]

Malmsb. ibid.

Quod dicis me fidem excedere quod preuaricatis consuetudinibus tuis sedem appello Apostolicam. &c.

91. Nowe let the Reader bee entreated to compare these times with the times of the Affrican Councell, and *Anselme* Archbishop of Canterburie with *Augustine* Bishop of Hippo. *S. Augustine* with the rest of the Affrican Councell condemned appellations to Rome, as standing against godlinesse, order, the freedome of the Church; as quenching the light of simplicitie, as inducing darkenesse, pride and ambition into the Church. Now that which in Saint *Augustines* time was vngodly, can it be made godly, and lawfull in *Anselmes* time? Yet *Anselme* we see maketh this thing the cause of God. *Augustine* condemned appellations to Rome simply, without consideration of disobedience

dience to Princes. What then would he haue done, if thereunto had beene added the commaundement of his Prince against such Appellations? *Anselme* standing for Appellation to Rome, which *Augustine* denied, and withstanding the iust and lawfull commaundement of his Soueraigne, hath no other colour to cast ouer the matter, then the pretence of God and Saint *Peters* Vicar. If this obedience had beene required of God to Saint *Peters* Vicar in *Anselmes* time, Why was not the same required and yeelded in Saint *Augustines* time? This is the difference betweene the opinions brought in by men, and the truths of God: that the one standeth alwayes the same in the Church without chaunge, the other hath his times of rising and falling, as this opinion of Appellation to the Pope, which was so strongly reiected by *Augustine*, found a time to rise vp betweene the pride of the Popes, and the seruile flattery of some Bishoppes. And what greater signe of pride in the Pope, and flatterie in his seruants, then to resume these old condemned priuiledges, and therewithall to patch vp a Iurisdiction standing so directly against the iudgement and practise of the ancient godly Fathers?

92. And yet was *Anselme* as resolute in this, as *Augustine* was in the contrarie: But heerein a great difference appeared (which might much sway the iudgement of indifferent readers, if there were no other meanes to informe them) that Saint *Augustine* standing against appellations to Rome, had heerein the full consent of all his fellow Bishoppes, not one dissenting. But *Anselme* standing for appellations to Rome, stood alone without the consent of so much as one Bishoppe: which thing I report for the honour of the Church of England, and of all the Bishoppes of England at this time; who heerein resisted their Archbishoppe, standing for the ancient liberties of the Church. *William Malmsburie* witnesseth thus much: *In his exequendis* (saith he) *omnes Episcopi Angliae Primati suo suffragium negarunt*. That is, [In the execution of these things, all the Bishops of England denied their consent to their Primate.] This sheweth that Archbishoppes were made the Popes seruants before Bishoppes were: the reason was, because the Archbishoppes vsed

Malmsb. ibid.

to purchase a Pall from the Pope, which Pall *Anselme* had not yet at this time of his variance with the King, obtained; for *Malmesbury* saith, he first asked leaue to goe to Rome for the Pall. Now the Pope in graunting the Pall conueyed an Oath of Alleageance with it, as before we haue obserued, which was the reason that moued our Archbishops to stirre such rebellious tumults against the Kings of this land: Such was this faction which *Anselme* maintained for the Pope against the King, wherein he was condemned by all the Bishops of England in the question of Appellation, as *Thomas Becket* was after this time condemned by all the Bishops in like sort, in the question of Inuestitures.

93. And therefore *Henry* the second had iust cause to publish that law which *Roger Hoveden* calleth *grauē edictum & execrabile*, against the Pope, beginning, *Si quis inuentus fuerit literas vel mandatū ferens Dominū Papā &c. capiatur, & de eo sicut de regis traditore & regni, sine dilatione fiat iusticia.* That is [If any be found bringing in the Popes Letters or Mandat, &c. let him be apprehended, and let iustice be executed without delay vpon him, as vpon a traytor to the King and Kingdome.] In the same law it is said; *Item generaliter interdictum est, ne quis appellet ad Dominum Papam.* That is [It is simply by law prohibited, that no man appeale to the Pope.] This was not a new law now inuented by *Henry* the second, but an auncient law now renewed, and vpon a iust occasion put in execution: for *William Rufus*, as before we haue declared, vrged this law against *Anselme*, proouing it to be one of his Fathers lawes, and auerring that such appeales did stand against the auncient lawes and customes of his Kingdome; so that the Kings Iurisdiction in such matters, was maintained by the auncient lawes of this land.

Hoved. Henr. 2.

94. But because the antiquity of the lawes of our land is questioned by our aduersaries, though this thing belong not to my profession, yet let me in a few wordes declare what I haue met with in Stories concerning this point: that it may appeare, that the lawes of this land are much more auncient, then that Religion which now is called the Religion of the Church of Rome. King *William Rufus* the Conquerours sonne, declareth

*Malmsb. l. de
gestis Pontif.
Ang. or.*

Hoveden. Hen. 2.

*Pro visa aucto-
ritate, legendum
fortasse, sua au-
thoritate.*

as *Malmsbury* witnesseth, that it was a custome of this king-
dome confirmed by his father, that without the Kings licence no
man might appeale to the Pope. Now these lawes and customes
which *William* the Conquerour did publish and confirme, were
the auncient lawes and customes of the Saxons before him: not
first inuented by the Conquerour, though enacted and establi-
shed by him. For *Roger Hoveden* writing of these lawes which
the Conquerour enacted, saith, that the King being once in
minde to establiish the lawes of the Danes, was after much and
earnest intreaty of the Barons, perswaded to yeelde that the
lawes of King *Edward* the Confessour, should be retained still.
The Barons (saith *Hoveden*) vrged the King, *Pro anima regis Ed-
uardi, qui ei post diem suum concesserat coronam & regnum, & cu-
ius erant Leges: Unde Concilio habito precatui Baronum tandem
acquieuit, ex illa ergo die visa auctoritate venerata per uniuersam
Angliam corroborata & confirmata sunt praeter ceteris patria legibus
leges Eduardi regis; qua prius inuenta & Constituta erant in tem-
pore Adgari aui sui.* [For King *Edward* the first, who bequeathed
him his Crowne and Kingdome after his death: and whose
lawes they were: whereupon holding a Parliament, he yeelded
at last to the Barons request: from that day forward the lawes
of King *Edward* were by his authority honoured, establiished,
and confirmed through all England; which lawes were before
found out, and enacted in the time of *Edgar*, Grandfather to
King *Edward*.] After this, *Hoveden* entreth into a large dis-
course to proue, that the lawes which the Conquerour establi-
shed, were King *Edward* the firsts lawes, which lawes, saith he, were cal-
led King *Edward* the firsts lawes, not because hee inuented them first,
but because after they had beene buried in some neglect, lying
vnregarded and not put in due execution for the space of three
score and eight yeares after *Edgars* death (for so many yeares
are betweene King *Edgars* death, and *S. Edwards* Coronation)
he reuiued them: And thus much he confirmeth that the lawes
establiished by the Conquerour, were *S. Edwards* lawes, and the
same which were in vse here in the daies of that peaceable King
Edgar.

And it is not without good reason collected, that the
same

same lawes proceeded from King *Alfred*: for he, like another *Iustinian* is reported to haue compiled certaine volumes of lawes, not onely from the lawes of the Brittaines, Saxons, and Danes, but also of the ancient Grecians and other: Besides that he translated into the Saxon tongue those lawes, which were called the *Molmucin* lawes, and also the *Martian* lawes, the one of *Dunwallo Molmucius* an auncient Brittainish King, the other so named of *Martia Proba* an auncient Brittainish Queene. And that *William* the Conquerour established the Saxon lawes, it is likewise testified by *Henry Huntingdon*, who saith thus: *Saxones pro viribus paulatim terram bello capeffentes, captam obtinebant, obtentam edificabant, edificatam legibus regebant: Nec non & Normatici cito & breuiter terram subdentes sibi, victis vitam & libertatem legesq; antiquas regni iure concesserunt.* [The Saxons by a strong hand ouercame the land in time by war, built as they ouercame, and as they built gouerned it by lawes: The Normans also quickly subduing the land vnder them, yet graunted by the right of the Kingdome, life and libertie, and the auncient lawes to them whom they subdued.]

95. Then whereas *William Rufus* maintained the lawes and customes of his father, against the Pope, and *Henry* the first the lawes and customes of his brother and father, and *Henry* the second, the lawes and customes of the Kingdome, vsed by his Grandfather *Henry* the first, or any other afterward referring themselves to the same lawes: the lawes and customes of which they speake, are the auncient lawes and priuiledges of this land, confirmed by the Conquerour, receiued from King *Edward*, proceeding from King *Edgar*, and before him from King *Alfred*: And are therefore of much greater antiquity, then the Popish Religion lately concluded in the Councell of Trent, as many parts of that Religion were. Then it appeareth that the auncient lawes of this land did forbid an appeal to Rome: neither is that to be much maruelled; for why should it be thought strange, that an appeal to Rome was vtterly forbidden by the Church and State of England, seeing long before that time we finde the same thing forbidden by the Church of Africa. After this time wherein Appeals to Rome were forbidden in England,

land, we finde that in Fraunce the same thing was prohibited by the law which the French call the pragmaticall Sanction: for in the yeare one thousand, two hundred, threescore and eight, *Lewes* the ninth French King, called *S. Lewes*, ordeined the pragmatical Sanction, wherein all the oppressions of the Church of Rome are vtterly forbidden, that none of those things be practised in Fraunce, vnlesse it be by the expresse and free consent of the King, and Church of that Kingdome. Thus haue Kings alwaies prescribed against the Pope in matters of Iurisdiction, as the Church in like sort hath prescribed against the Pope, in matters of faith and Religion, as hereafter in the last Chapter shall be declared.

§. VIII.

Of deposing and depriving Kings, and dissolving the Oath of Allegiance, wherein consisted the highest pitch of this pretended Iurisdiction.

96. **T**HE last and greatest point of this Iurisdiction, wherein the strings of this authority were stretched vp to the highest, was that their practise of Deposing Kings, and discharging Subiects from their Allegiance: By which practise the Church was confounded, the States of the world ouerturned, Kings robbed of their right, subiects of their faith and truth, euery nation scourged with warres and blood-shed: and in the common vexation of all Christendome, onely the Popes state, and worldly glory increased, who could not otherwise rise, but with the ruine of the Church and States. In this place therefore I will, as breiefely as I can, passe through by way of short History, the practise of the Popes, in deposing of Kings. That it may be apparant to the world, that we are so farre from being afraid to confesse this power, which they so much boast of; th at we are rather readie to publish it to the world. For hereby all men which haue any vnderstanding of that power which Iesus Christ left to his Church, may know the Tyrannie, vsurpation, pride, vaine-glory, ambition, and madnesse of him who

who exalteth himselfe in the Church against God, and against them that are called Gods. Wherein we may learne to be armed with patience to suffer for a time, whatsoever the lust of proud and bloud-sucking Popes haue leaue to do for the sinnes of our Princes, and people, and Churches. For their tūre is set and drawing to an end; and nothing hath beene done, but that which is fore-warned in the Scripture. So that by these ambitious and bloody practises, wee shall finde how the Scriptures are fulfilled.

97. For one Scripture saith; that a starre must fall from heauen, who must be a King of the Locusts, which is called also the Angell of the bottomlesse pit, whose name in Hebrew is *Abaddon*, and in Greeke *Apollyon*, that is a destroyer. Which Prophesie of his destroying power, is verified most apparantly in this practise of excommunicating Kings, and loosing the knot of obedience. Whereby confusion and destruction is brought vpon all Kingdomes of Christendome. Hereby he is proued to be a destroyer, an exterminator, an excommunicator. Therefore the vulgar translation addeth significantly, *Latine habens nomen exterminans*. Another Scripture saith : The tenne Kings *Apoc. 9. 1. 11.* shall giue their power and authority to the beast. Though the Kings of Christendome did neuer directly yeeld to the Pope this authority ouer their owne Kingdomes, and ouer themselves, that the Popes might depose and displace them at his pleasure: yet this they gaue him in effect, and by consequence. For they gaue him so much, that he might vpon their owne graunt challenge this, and they who had graunted him so much, had no reason to except against his challenge. For though the King which was to be deprivied, denied the Pope this power, yet such Princes did yeeld it to him, to whom the Pope had giuen the Kingdom of the deposed Prince: he did yeeld it, who should vse the benefit of the Popes vsurped power. For example: though the late Kings of France haue alwaies denied, that the Pope had any Authority to depose the French Kings, yet the Kings of France haue giuen him this power. For the former Kings yeelded it, as *Pipin*, and *Charles*. For they had no other title to the Kingdome, then from this power of the Pope. Therefore they *Bb. 3* yeelded.

yeelded that the Pope had power and authority to giue Kingdomes, and in that sense gaue their power and authority to the beast. So that when these first French Kings, honoured the Pope with this vndue honour, though then they seemed to receiue Kingdomes from him, yet the Scripture looketh farther into these practises, then they did which practised them. For they respected onely themselues, their owne present greatnesse: but in receiuing such power from the Popes, they gaue, in trueth, their power and authority to the Popes. For how could they in iustice denie, but that the same power which deposed other Kings to raise them, might as well haue deposed them to raise other. Thus most of the Kings of Christendome gaue their kingdomes to the Popes. That this new and strange power of Antichrist may better appeare, I will open the beginning and continuance of the Popes practise herein.

Leo Iconomachus.

98. **T**He first Prince vpon whom the Pope began this practise, was *Leo* the Emperour, whom *Platina* calleth *Leo* the third, he was called *Iconomachus* for defacing of Images. This Prince was deposed by *Gregory* the third, who was Pope in the yeare seuen hundred ninety fixe. Pope *Gregory* the second prepared the way thus. When *Leo* the Emperour being much offended at the superstitious and foule abuse of Images, which he saw daily then growing in the Church, did vtterly deface Images in Churches, and commaunded Pope *Gregory* the second, then Bishop of Rome to doe the like, the Pope tooke his aduise in such indignation, that he raised all Italy in rebellion against him. So the Emperour lost his holde in Italy, and a number of little States were raised in Italy, euey City struiuing to make it selfe a free State. *Gregory* the second hauing done thus much died, and left the place to *Gregory* the third, who succeeded him. This Pope as soone as euer he was chosen, by the consent of the Romane Clergy, depriued *Leo* the third Emperour, from the Empire, and from the communion of the faithfull, for the same cause: to wit, for defacing Images which were
set

*Naocl. vol. 2.
generat. 25.*

*P'at. Gregor. 3.
Onupbr.*

set vp in Churches to be worshipped. This was the ground of the Popes proceeding against the Emperour, which is to be obserued. By this wee see the state of Rome cleane changed, for whereas the Emperours at the first were persecutours, and the Bishops of Rome were such as suffered for righteousness: Now had they changed places, for the Popes were become persecutours, and the Emperours were such as suffered for righteousness. For what was the Emperour *Leo* his fault in breaking downe and defacing Images, after that hee found that diuine worship was exhibited to them, other then that so much commended zeale of *Ezekias* in breaking downe the brasen Serpent? so that if we looke vpon this fact of the Emperour (which was the occasion why the Popes so proceeded against him) there can nothing appeare but the Popes persecution, and the Emperours suffering for righteousness. Pope *Gregory* the third, after this called a Synod in Rome, wherein the worship of Images was established, and all excommunicated that held the contrary. All Italy, saith *Onaphrius*, fell away from the obedience of *Leo* the Emperour, with the City of Rome; and other Westerne parts of the Empire, which were before subiect to the Emperour, excepting Sicily, and a part of Liguria, and a little corner of Calabria. All this the Emperour lost at once by the practise of Popes.

*Platin. Greg. 3.
Onuphr. annot.
ibid.*

99. Now because wee consider these beginnings of the Popes persecutions, (for he began with the Emperour, whom thus he driued out of Italy, putting him from all gouernment in Rome, and after tooke vp his place and gouernement) let vs heere remember an auncient tradition of the auncient Fathers, who wrote before these times with freedom. For they are all resolu'd vpon this, as vpon an Apostolicall tradition, that Antichrist must driue the Emperour out of the gouernement of Rome and Italy, and take vp his place and seate. *Tertullian* doth often repeat this sentence, *Romanus status cedit Antichristo*. That is: [The Romane Empire must giue place to Antichrist.] And in another place he saith: *Qui nunc tenet teneat, donec de medio fiat. Quis? nisi Romanus status*. That is: [Hee that now with-holdeth, shall with-hold till he be taken out of the way:

*Tertull. lib. 3.
contra Marcion.
Lib. de resurr.
carnis.*

Who

2. Thess. 2. 7.

Hieronim. Ad
Algasiam.

Who is that? the Romane Empire.] And vpon those words of the Apostle: [He that now with-holdeth, shall with-hold vntill he be taken away:] The auncient Fathers writing, doe with an admirable consent agree vpon this, that the thing which the Apostle saith, did with-hold, and should with-hold for a time, was the Romane Empire. For the Empire of Antichrist must be raised vp in the same place, where that Empire stood that is in Rome. And therefore *Hierome* writing of those wordes of the Apostle, except there come a departing first, & that that man be disclosed: saith, *Nisi venerit discessu primum, ut omnes gentes quæ Romano Imperio subiacent, reuertantur ab eis*. That is: [Vnlesse a departing first come, that all the Nations which now are subiect to the Empire of Rome, may depart from that subiection.] Therefore he saith, that the Apostle left this tradition which he thought not good to commit to writing. Remember you not that when I was with you, I tolde you of these things, saith the Apostle. If any man aske why the Apostle thought good rather to commit this thing to their memory, then to writing: to this the same Author Saint *Hierome* aunswereth in the same place: *Si aperte audacterq; dixisset, non veniet Antichristus, nisi prius Romanum deleatur Imperium, iusta causa persecutionis in orientem tunc Ecclesiam confurgere videbatur*. That is: [If Saint Paul had said plainly and boldly, Antichrist shall not come, vnlesse the Romane Empire be first destroyed, this might haue ministred a iust cause of persecution to the Church then rising.] Then the Apostle would not speake this thing directly for feare of drawing a persecution vpon the Church, but committed it to their memories: Remember you not that when I was yet with you, I told you? If any man demaund this question; why then, doe you admit some Apostolicall traditions? I answer.

100. Let these two limitations be remembered, and then I know not why Apostolicall traditions may not bee admitted. First, it must haue an euident ground in the Scripture: Secondly, it must haue the consenting testimonie of auncient Fathers, confirming it to be an Apostolicall tradition. These two conditions are both kept, in this particular which now I speake of; and in the baptising of Infants. But to take a tradition from the
bare

bare testimony of any Church, without a ground of Scripture, and the testimonie of the ancient Fathers, bearing witnesse that it was an Apostolicall tradition: this wee vtterly refuse as unwarrantable. Concerning this particular, the rest of the Fathers yeeld the like consent to these. *Ambrose* saith: *Non prius veniet Antichristus quam Regni Romani fiat defectio.* *Augustine* saith:

Quidam putant hoc de Imperio dictum fuisse Romano, & propterea Paulum Apostolum non id aperte scribere voluisse, ne calumniam videlicet incurreret, quasi Romano Imperio male optauerit. And in the same place: *Tantum qui modo tenet teneat, donec de medio tollatur: non absurdè de ipso Romano Imperio creditur.* Another of the auncients saith thus: *Vt qui tenet nunc teneat donec de medio fiat. Donec Regnum quod nunc tenet de medio auferatur, priusquam Antichristus reueletur.* *Iohn Chrysostome*, and *Oecumenius*, summing his words, say thns, writing vpon that Scripture. 2.

Thess. 2. Solum est qui modo retinet. Thronus videlicet, & Regnum Romanorum, quod nunc impedimento est donec cesset, finemq; accipiat, tunc reuelabitur iniquus ille, hoc est Antichristus. Vbi enim Imperium Rom. fuerit dissolutum, tunc Antichristus rebellionẽ irruet, ac obtinere conabitur non hominum solum, verum Dei Imperium. Romanorum autem Imperium ipse Antichristus perfectè abolebit. Quemadmodum enim Medorum Imperium à Babylonijs dissolutum est, & Babyloniorum à Persis, Persarum quoq; à Macedonibus, & Macedonum à Romanis; ita & Romanorum ab Antichristo, & Antichristi à Domino nostro. [That thing which withholdeth, is the Romane Empire, which now stayeth the matter till it cease and come to an end, Then shall that wicked man be reuealed, that is, Antichrist. For when the Romane Empire shall be destroyed, then shall Antichrist by rebellion inuade, and shall seeke to draw to himselfe not onely the power of men, but of God also. And Antichrist shall vtterly make an end of the Romane Empire. For as the Empire of the Medes was destroyed by the Babylonians, and that of the Babylonians by the Persians, and that of the Persians by the Macedonians, and that of the Macedonians by the Romanes: so shal that of the Romanes be destroyed by Antichrist, and that of Antichrist by our Lord Iesus Christ.

Ambr. in 2. Thess. 1. August. lib. 20. ca. 19. de Ciuit. Dei.

Comm. in 2. Thess. 2. sub nomine Hieronymi.

101. By all which wee finde by the conſenting iudgement of the Fathers, that Antichriſt muſt riſe vp vpon the ruine of the Romane Empire. And finding the power and gouernement of the auncient Romane Emperours to be vtterly ruinated by *Gregory* the ſecond, the title of the Empire to be taken away from thoſe Emperours by *Gregory* the third : the rule of the City of Rome (which was the auncient ſeate of the Empire) taken vp and ſurpriſed by the Pope : the Cities of the Empire neere adioyning to Rome, to bee brought vnder the ſubiection of the Pope : by conſerring the Propheſies of Scripture interpreted by the Fathers, with theſe euentſ which by Hiſtory are truly recorded, laying one thing to another, the concluſion is euident. My purpoſe is not to ſpeake of Antichriſt; but onely paſſing through theſe Stories of the Popes temporall exaltation, I thought it a ſmall labour for the Reader to compare the Propheſies of Scripture, and the iudgement of auncient Fathers with the euent, which fell out in the time of the two *Gregories*, the ſecond and third. Before which time the Popes neuer entered into ſuch furious attempts againſt their Soueraigne Lords the Emperours. For they yeelded exact obedience to Emperours from the time of the firſt Chriſtian Emperour, vntill the time of *Gregory* the firſt. All which while they reſuſed not to be ruled, commaunded, directed by the Emperours as by their Soueraignes, not onely in ciuill affaires, but euen in matters concerning the externall Diſcipline of the Church, as calling of Councels, and confirming them: puniſhing and cenſuring diſorderous Clarkeſ and Biſhops, that offended the Imperiall Lawes, and ſuch like. In ſuch things the Emperours ruled, the Popes obeyed: no ſtriving, no threatning, no caſting off of the yoke appeared all this while. But after that *Phocas* had granted to *Boniſace* the third Pope, the title of Oecumenicall Biſhop, and that the Church of Rome ſhould be head of all other Churches: then began that ſtarre to fall from heauen, falling from the ſimplicity of truth & from ſincerity of obedience, into pride, ambition, and noyſome luſts; and neuer ceaſed rolling downwards till at laſt it fell into the deepe praſtiſes of the bottomleſſe pit. Thus when they began to fall, they had one fall after

*Apoc. 8. 10. &
9. 1.*

another. They fell not into the practise of deposing Princes, *Ann 733.* vntill the time of *Gregory* the third.

Childeric or Chilperic.

102. **T**He Popes hauing proceeded thus farre in deposing the Emperour, thought all their labour lost, vnlesse they might haue those Territories made subiect to themselves, from which they had expulsed the Emperour: Their feare was, that either the seuerall Cities would procure their owne Freedome, or that some that were strongest would surprise all the rest, and so a small part might come to the Popes share. The Lumbards were then strongest in Italy, and had soone gotten the rest vnder their Dominion: To preuent their rising, and to enrich *S. Peter* with a new Patrimonie, the Popes after they had vsed the power of the Lumbards against the Emperour, so now against the Lumbards begin to call new aides into Italie, drawing first *Pipin*, and then *Charles* against the Lumbards, by whose meanes they obteyned their purpose: *Pipin* was made King of Fraunce for this seruice, and *Childeric* the right King was deposed by Pope *Stephen* saith *Harmannus Contractus*: other attribute this to Pope *Zachary*. *Childeric* was shaued and thrust into a Monastery. After all this there stuck a scruple in the conscience of *Pipin*, for he had taken an Oath of Allegiance to *Childeric* his Soueraigne; this scruple the Pope vndertooke to remoue: For, saith *Vspergensis*, Pope *Stephen* absolued him of his Oath, which in former times he had taken to his Soueraigne *Childeric*. Thus were these great affaires ordered and disordered, the Emperour deposed, his subiects raised in rebellion against him, the Pope exalted and enriched by the spoiles of the Empire, the French king deposed, his subiects absolued from their Oathes and Allegiance, another set vp in the kingdome. These were practises which before this time were neuer attempted by Popes: From these beginnings and examples the succeeding Popes tooke light, and made rules of their Gouvernement; and therefore after this, the world could take no rest for the Popes. Moreouer after these examples of *Pipin*

*Harmann.
An. 752.*

Vsperg. An. 753.

and *Charles*, they who through ambition aspired without right or Title to kingdomes, haue deuoted their seruice wholly to the Pope. And what holdeth the Spaniard so stiffe in Popery, but onely an hope that by the Popes authority he may enlarge his Dominions in the same sort? It is to be noted also, that they who thus offer their seruice to the Pope, are honoured by him, as the onely defenders of the Church, whereas none haue spoiled the Church more then these: for *Paulus Aemilius* recordeth, that *Carolus Martellus* (father to *Papin*) being then Constable of France, robbed the Churches and Monasteries of France at his pleasure, promising that if he should obtain victorie against the Sarracins, he would bountifully repay all: But after most great and rich victories, he not onely repayed nothing, but thrust also the Bishpppes from their Seas, held the Seas empty to pay souldiers; which thing brought a foule confusion vpon the Church of Fraunce: yet this man for his seruice to the Pope was accounted a great defendor of the Church.

Henry the fourth Emperour.

Anno 884.
Platin. Hadrian.
3.

Anno 685.

103. **T**He auncient manner of choosing Popes, was by the Emperours consent, after that Emperours became Christian: This was practised from the time of *Constantine*, till *Hadrian* the third, saith *Platina*, who maketh this *Hadrian* the first, who altered this auncient manner: he tooke the opportunity of the absense of *Charles* the grosse then Emperour; who was so incumbred with the warres of the Normanes that he could not attend this businesse. But *Onuphrius* in his Chronicle of Popes, setteth *John* the fift to be the first Pope that was chosen without the Emperours commaundement and appointing: both may be well reconciled: for *Onuphrius* speaketh of the Popes vnder the auncient Emperours: *Platina* of the Popes vnder the French and Germane Emperours, for from *Constantine* till *John* the fift Pope, no Pope was chosen without the Emperours consent: from *John* the fift Pope, till *Charles* the first, no Pope was chosen by the Emperours consent: *Charles* the first recouered the auncient rights of the Empire, as before we declared: from his time till *Hadrian* the third, no Pope was chosen.

chosen without the Emperours consent : from *Hadrian* the third, the consent of the Emperour was not required, if *Platina* say true : others witnesse, that the Popes were alwaies chosen by the consent of the Emperor, till *Hildebrand*. The Popes thus striving to cast off the ancient yoke, when *Gregory* the seventh was chosen Pope, he added vnto this practise of reiecting the Emperours consent, many moe practises, by blood, fraud, diuinish pride and Necromancy aspiring to the Papacy, and was at last made Pope, not onely without the consent of the Emperor, but without the consent of the Cardinals also, onely a company of armed men with some few of the Clergie, gaue out that *Hildebrand* was chosen Pope by *S. Peter*, he was much furthered by one *Mande* a Gentlewoman of great riches then in Italy, with whom he had great familiarity.

Beno.

Naucl. gener. 36

104. *Henry* the fourth Emperour called a Councell at Wormes to repress *Hildebrand* : The Bishops of that Councell condemned *Hildebrand* for intruding into the Papacy, & for his infamous & prodigious conuersation, & adiudged him to be deposed. *Hildebrand* vpon the knowledg of these news excommunicated the Emperor, depriued him of Gouvernement, absolved his subiects from their Oath of Alleageance. The Emperor of a sudden being robbed of his friends & subiects by the practise of them whom *Hildebrand* had set to negotiate this matter, was driuen to the greatest debasement of himselfe, that hath bin heard of, bare-foot in a sharp Frost in deepe Winter, three daies attending at Canusium with his wife & child before he was admitted to the Popes presence : when he was admitted, and had craued pardon : his censure was, to stand at the mercy of *Hildebrand* : Which when he had confirmed by an Oath, the Pope absolved him, but afterward set vp *Rodolph* Duke of Sueuia in warre against him. *Rodolph* being thus stirred vp to Rebellion against his Soueraigne, was so wounded in a battell, that being carried to Merseburge without hope of life, called the Nobles and Bishoppes that had fauoured him; and in their presence beholding his right hand which was smitten off in the battell, This, quoth he, is that hand by which I confirmed an Oath of mine Alleageance to my Master *Henry* : this haue I gotten by follo-

Auent. l. 5.

Vspurg. An.
1080.

Naucl. gener. 37

wing your Councill, returne you to your Master, and keep your first faith, as for me, I goe to my Fathers.

105. The Emperour after this, gathered a Synode at Brixia: The Bishoppes of Italy, Lumbardy, Germany meeting there, condemned *Hildebrand* for a disturber of Christendome, a disorderer of the Church, a periurous, sacrilegious Incendiary, a Witch and Necromancer. The Emperour besieged him in the Castle of *S. Peter*, but *Hildebrand* vnderstanding that the Emperour vsed to resort to *S. Maries* Church to pray, set a knaue about the place where he vsed to pray, to throw downe a great stone vpon him, and to kill him. VVhilst the varlet was setting the stone for that purpose, downe comes the stone and the traitor with it, who was crushed to peeces therewith. After that *Hildebrand* had set vp many such practises against the Emperour without effect, he betooke himselfe to flight: And wandring like a Vagabond without comfort, without helpe, without hope, though brought to a most pitifull estate, yet pitied of no man, traueilling vnder the vnsupportable burden of a restless conscience, he died for grieffe at *Salernum*. By all which we see, that this new and monstrous practise of deposing Kings, was resisted by the Emperour, as pestiferous against his estate, disclaimed by Bishoppes, as a thing strangely disordering the Church and ciuill States, and iustly reuenged by God, as a thing abhominable. The Chronicles obserue, as it is noted in *Vespergensis*, Fol. 226. that this *Henry* the fourth had fought threescore and two pitched battels, in number surpassing *M. Marcellus* and *Iulius Caesar*, of whom the one fought thirty, the other fiftie.

Henry the fift.

106. **W**Hen *Hildebrand* and *Rodolph* both conspiring against *Henry* the fourth, were both ouerthrowne, the succeeding Popes maintaining the same pollicy and practise (for it were pittie but that these Apostolicall practises were well knowne) raised *Henry* the fift in armes against his father *Henry* the fourth: this old Emperour being wearie of troubles, and desirous to haue some repose, made his pur-

*Auent. l. 5.
Vesperg.*

Naucl. gener. 37

purpose knowne, that hee would resigne all gouernment to his sonne, and goe himselfe in person to visite the Sepulcher of Christ: but the sonne was stirred vp by the Popes to rebell against his Father, before hee had vndertaken that iourney. To colour his rebellion, hee protested that hee sought not his Fathers Throne for desire of dominion, neither wished he the deprivation of his Lord and Father: but if his Father would bee subiect to Saint *Peter* and his Successours, then would he yeeld him the Empire. The end of this contention was this. The old Emperour was surprised, imprisoned by his sonne, and so died. There is an Epistle of this Emperour extant in *Naucler*, wherein he complaineth that he was betrayed against all humane and diuine Lawes, being inuited by his sonne to a Treaty of peace, after faith and assurance giuen for his life and honour, comming peaceably to Mentz, was surprised treacherously. After all this *Henry* the fift comming to Rome, found no more fauour then his Father had done. For *Paschalis* the second contended with him so earnestly for Inuestitures (which was the quarrell for which his Father felt so much the Popes anger) that thereupon a tumult was raised, in that tumult Pope *Paschalis* was taken. Who being in the Emperours power, confirmed the Emperors Iurisdiction, and disclaimed the right of Inuestitures, yeelding it to the Emperour in that sort, as his auncestours had vsed the same in former times.

107. At this time the Cities of Italy tooke an Oath of allegiance to the same Emperour. But after all this grant of Pope *Paschalis*, no bond being sufficient to hold fast a Pope, he called a Councell at Rome; wherein he condemned all that himselfe had done in yeelding Inuestitures to the Emperour: and excommunicated the Emperour. The Emperour to preuent the dangers that might ensue, came again into Italy: and sent Ambassadors to the Pope, to try if these matters might be brought to a peaceable end. The Pope in the mean time calleth a Councell at the Lateran. In this Councell Pope *Paschalis* excusing that fact of his for yeelding Inuestitures to the Emperour, desired all that were present to pray for him, that God would forgive him. For, saith he, that writing which I made, which is

Nauc' er. gener.
38.

Nauc'ler. ibid.
called

called a priuiledge, I doe heere condemne vnder an euerlasting curse, and pray that all you will doe the same. There followed a generall acclamation, *Fiat, fiat*: that is, be it so. Then *Bruno* Bishop of Signinum, said: We haue cause to thanke God that we haue heard the Pope from his owne mouth condemne this priuiledge. Which is not a priuiledge, but rather a prauiledge, because it containeth prauity and heresie. Whereupon another stood vp and said: If that priuiledge containe heresie, then hee who made it is an heretique. *Caetan* being moued with the sharpnesse of that speech, answered: What? dost thou in this Councell, in the hearing of vs all, call the Pope an heretique? that writing was not heresie, but it was euill. Nay, quoth another, it was not euill, &c. *Paschalis* by his hand commaunding silence, appeased the clamour, and tolde them that heresie neuer entred into the Church of Rome. This I haue declared, that the Reader may vnderstand, what graue matters are handled in some Popish Councils. In this Councell the excommunication against the Emperour was renued. Whereupon such a ruine and vassation of Italy followed, that nothing could bee seene there for a time, but bloud-shed, burnings, robberies: the State and Church confounded, the true heires turned out of their possessions, robbers and oppressours thrust in. All this moued not the Popes, to remit Inuestitures. The Emperour perceiuing that nothing could moue the Popes, to loose so beneficiall a Pray, no not the common calamity of Christendome; was perswaded to yeeld to the Pope in the end, in respect of the miseries that followed this contention. And so resigned Inuestitures to the Pope. Whereupon peace followed for a time.

Frederick Barbarossa.

108. **F**rederick the first, surnamed *Barbarossa* is highly commended by the Writers of that age, and of them that followed, for a Prince of great worth, wisdom, and valour. When he came into Italy the Pope met him, not with a purpose to honor him, but by him to be reuenged vpon the King of *Sicily*, with whom the Pope was at variance. *Frederick* receiued the

the Pope with great reuerence, and as he lighted from his horse, held the left stirrope. This was made a great quarrell against *Frederick*, and though he made his reasonable excuse, that this was the first time that euer hee serued in that sort, and might therefore be pardoned for any thing vnskilfully done: that the office proceeding from good will, it made not much matter on which side he came, that came to reuerence him: yet the Pope would not be satisfied; but shewed himselfe so much offended, that the Emperour began to be somewhat moued; so that the parting was with some stomacke on both sides. The next day the Emperour meeting the Pope, helde the right stirrope, to please him: and when they were set, the Pope thus began. The Princes of auncient times your predecessours, when they came to make petition for the Imperiall crowne, were wont by some worthy office to promerit the fauour of the Church of Rome; that by preuenting the blessing, they might declare by some egregious seruice that the Crowne was due to them. Thus did *Charles* by ouerthrowing the Lumbards, Thus did *Otto* by defeating the Berengarij, Thus did *Lotharius* by repressing the Normanes. So must you doe, and repress the King of Sicily with the Normanes; and restore *Apulia* to vs and the Church: and then you shall see what we will doe for our part. The Emperour vnderstanding well how vnreasonable the motion was, that *Apulia*, which was by right a part of the Empire should be taken from the King of Sicily at the Emperors charges, and bestowed vpon the Pope; yet for that time did giue a moderate answer, that he would goe into Germany & returne with fresh forces for that seruice, because these which were with him were much decayed.

109. This mention of the King of Sicily, draweth vs to speake somewhat of him, our purpose being to obserue the practise of Popes in deposing of Kings. *William* King of Sicilia, held also *Apulia*, as hee receiued it from his Father *Roger*, to whom it came from *Robert Guiscard*, who first draue out the Moores from thence, and wonne the possession thereof. This *William* because he would not giue *Apulia* to the Pope, for enlarging of Saint *Peters* Patrimonie, was excommunicated by

*Funct. lib. 10.
Chron.*

King *William*
of Sicily deposed.

Nauclet. gen.
39.

An. 1155.

S. 3.

Nauclet. gene-
rat. 39.

Pope *Hadrian* the fourth depofed from his Kingdome, his fubjects difcharged of their Oath and Alleageance. And becaufe *William* flood vpon his ftrengh in his owne iuft defence againft the Pope, therefore the Pope would gladly haue fet *Frederick* the Emperour againft him. In the end *William* in feare partly of *Frederick*, but efppecially of *Immanuel* the Greeke Emperour (whose Orator *Palaologus*, promifed to driue *William* out of Italy, and to giue the Pope five thoufand pound weight of gold, if three Hauen Townes of Apulia might be giuen to his Mafter by couenant after the victory) was driuen to compound with the Pope: and being thus forced thereto, did acknowledge that he held both thofe Kingdomes of the Pope.

110. When *Frederick* the Emperour vnderftood that the Pope had made a league with *William*, and confirmed him in both the Kingdomes, after that he had moued *Frederick* to vndertake the warres againft him: was not a little greeued thereat, confidering alfo other greeuances and oppreffions of Germany. Whereupon he began to execute fome feuer discipline againft certaine difolute perfons of the Clergy, at which the Pope grew highly offended: hereupon fome fharp letters pafed betweene them, as before we declared. But when the Emperour prepared a iourney into Italy with an Army, the Pope fearing the worft, made meanes, and was reconciled to him. A little after when *Frederick* befieged Crema, fome Cities of Italy confpiring againft him, the Pope followed the firft opportunity of rebellion, and excommunicated the Emperour and curfed him. *Nauclet* declareth the motiue that drew the Pope to excommunicate the Emperour. *Data pecunia immenfa Domino Hadriano Papa ut imperatorem excommunicaret.* A huge fumme of money was giuen to Pope *Hadrian*, to excommunicate the Emperour. Thefe be the Apoftolicall cenfures, and thefe be the meanes that draw his holineffe to depofe Princes. Pope *Hadrian* fhortly after at Anagnia, walking abroad to take the ayre, as he would haue drunke a little water in a fpring, a flie falling into his mouth, flucke fo faft in his throate, that no helpe of Phyficke preuailing to remoue her, he was choaked therewith, and died.

111. In May

III. I may not omit what *Iohannes Flasboriensis*, a Writer in this time, obserueth of this *Hadrian*, as from him *Naucler* reporteth. This *Iohn* affirmeth, that he heard *Hadrian* confesse thus much: [No man liueth in the world more miserable then the Pope of Rome: In this Sea haue I found so many miseries; that in respect of this present estate, all the bitterness of my former life seemeth pleasure & happinesse: This ambition to seek the Papacy, euen by shedding our brothers bloud, this is to succeed *Romulus* in Paricide, not *Peter* in feeding.] By this autentick testimonie of Pope *Hadrian* a witnesse without exception, we see what it is to be a Pope. *Marcellus* the secōd as *Onuphrius* reporteth in his life: gaue the like censure of the Papacy, adding thus much: [That hee saw no meanes how any Pope could be saued.] These are the testimonies of the Popes themselues, who deserue to be beleueed speaking of a matter whereof they had so great experience. After the death of *Hadrian*, *Alexander* the fift being chosen Pope, renueth the excommunication against *Frederick*, thundering out great curses vpon him, and sent letters abroad to all Princes and people to raise tumults against him. The Emperour to pacifie the troubles of Christendome which were growing by the Schisme, which then began betweene this *Alexander* and *Victor* the fourth, entreated the French King in some conuenient place to meete him, and to bring *Alexander*, as he would also bring *Victor* to this meeting, that matters might be composed, if it might be, and troubles preuented. The meeting was appointed at *Diuion*. Thither came *Frederick* and *Victor*. Thither came *Henry* the second King of England, and *William* King of Scotland. But *Alexander* was so much afraid of this meeting, that hee perswaded *Philip* the French King, who had promised to meete the Emperour here, to practise a trick which better beseemed a shifting Pope, then an honourable Prince. The deuise was, that the French King should come to the place before the Emperour was come, & wash his hands in the Riuer that ran by the place; and by the voice of a Criar, should call the Emperour three times, and as if this were the keeping of his promise, afterward hee should depart. When the Emperour and the Kings of England and Scot-

Naucle. ibid.

Est Romulo succedere in Parricidijs, non Petro in omnibus pascendis.

Onuphr. vita Marcelli. 2.

land were come to the place, and heard what the French King had done: they were much offended that the King should so Popishly disappoint his promise, therefore they willed *Vittor* to returne to Rome, and went their waies.

112. I passe by *Fredericks* journey to the holy land; his warres there, how Pope *Alexander* sent his Image to the Souldian; how being taken prisoner when he would haue dissimulated his estate, he was knowne by his picture: how after his returne he raised an Army, and led the same into Italy against *Alexander*: how against the Venetians, who tooke part with *Alexander*, he sent his sonne *Otho*: how his sonne was taken prisoner: which estate of his sonne gaue *Alexander* the advantage, and made the Emperour content to yeelde. The conclusion was: The Emperour must come into Saint *Marke* his Church in Venice, and there humbly seeke absolution at the Popes handes. *Fredericke* did so: The Pope commanded him to aske pardon prostrate on the ground; the Emperour suspecting no contumely, did so. The humble, milde, and mortified Vicar of Christ, hauing the Emperor thus prostrate before him, set his foote vpon the Emperours necke, vsing those wordes: *Super Aspidem & Basiliscum ambulabis, & conculcabis Leonem & Draconem*: The Emperours answer was, *Non tibi, sed Petro*: The Pope replied, *Et mihi & Petro*. These be examples of the Popes power in excommunicating Emperours: from which examples they draw the claim of a right which they pretend to haue. The Popish writers hope that men will be perswaded by the examples of the Popes power, that this power was giuen to *S. Peter*, and in him to all Popes, because there appeareth such Christian moderation, humility, and mildenesse therein. Though there be nothing in Scripture for them, but all against them; though the auncient fathers expressely denied the Popes to haue Iurisdiction ouer other Bishpopes, yet they doubt not but they shall finde some that will rest perswaded, that Christ left this fulnesse of power to the Popes, which containeth Soueraigne Iurisdiction, not onely ouer all Bishoppes, but ouer all temporall Princes also.

Nauch. gener. 40
reporteth this
as done before
Fredericke his
expedition to
the holy land.

Psal. 91. 13.
Thou shalt
walke vpon
the Alpe and
Serpent, thou
shalt tread vn-
der fecte the
Lion and
Dragon.
Not to thee,
but to *Peter*.
Both to me
and to *Peter*.

Henry the sixth, and Philip.

113. **H**ENRY the sixth Emperour succeeded *Frederic*. This *Henry* left a young sonne *Frederic* an Infant, yet elect to be Emperour, and committed his education and weldoing to the trust of Pope *Innocens* the third, leauing the Empire to his brother *Philip* vntill the childe should growe to age. Pope *Innocent* this trustie tutor, purposing the destruction both of *Philip* and young *Fredericke* set vp another Emperour, which procured great vexation and trouble to them, and to all Germany. And first he quarrelled *Philip*, that he stood vnder an old excommunication of *Celestinus*; but afterward making semblance offauour and reconciliation with him, hee sent the Bishoppe of Sutrium, to demand pledges (certaine men whose eyes his brother *Henry* had plucked out). The Bishoppe came and receiued the blinde pledges, and at the earnest request of *Philip*, absolued him from the excommunication. The Pope when he had gotten these blinde men, made publicke shew of them to moue enuie against *Philip*: that done, he excommunicated the Bishoppe of Sutrium for absoluing *Philip* without his commaundement: the Bishoppe was depriued, and so stood depriued all the daies of his life. Then laboured the Pope to stirre vp *Bertholdus* Duke of Zaringia against *Philip*, whom he would haue obruded to the Electours: But *Berthold* vtterly refusing to rebell, sent his Nephewes to *Philip* for Hostages of his Faith and Alleageance, and came himselfe and sware Alleageance to him: at which the Pope taking great indignation, brake out into these wordes: Either shall the Pope pull the Crown from *Philip*, or *Philip* shal pull the Miter from the Pope. And sent therefore to *Otho* sonne to *Henry Leo*, a Prince more noted for boldnesse, pride and ambition, then for wisdome and moderation.

114. To this man the Pope *Innocent* sent a Crowne, and set him vp against *Philippe* for the Empire, excommunicating *Philippe*, and pulling all helpes from him that possible hee could, and so filled the world with warres. As *Philip* and

Nauch. gener 40.
Cusiman vita
Henrici & Phi-
lippi.

*Abbas Vsp-
gens. Philippo. I.*

Otho were thus plunged in warres, all Princes and people troubled; there was not a Bishopricke, or Ecclesiasticall dignity, or Parish-Church which was not made litigious; and in the common miseries of Christendome, and confusion of the Church, the Pope onely reioyced, increasing his wealth by the ruines of the Church: the calamity of all men was turned to his happiness. To expresse this true felicity of the Pope, and the Court of Rome, in the misery and vexation of all the world, mine Author breaketh out into these wordes: [O our mother Rome, reioyce, because the Cataracts of earthly treasures are opened, that vnto thee Riuer may flow, and Mountaines of siluer may be brought in great abundance to thee: Be thou ioyfull for the iniquity of the sonnes of men, because in recompence of so much mischief as from thee proceedeth, the price returneth to thee. Let thine heart be merry for the discord and dissention that troubleth all other, but helpeth thee; for out of the infernall pit it breaketh to heape vp much money as a reward to thee. Thou hast that which alwaies thou hast thirsted after, and longed for: Now maist thou sing this song, that thou hast ouercome the world, not by thy Religion, but by the maliciousnesse of men. That which draweth men to thee, is not thy deuotion, or a pure conscience, but impudency and boldnesse, to commit all wickednes, and hope of impunity: for their hope is to defend and maintaine any wickednesse where thou art the Iudge, and when the price is prepared.] Thus farre *Vsp-
pergensis*, making somewhat bold with that innocent Pope *Innocentius*. In this contention which the Pope raised, *Otho* had the helps of the King of Bohemia, the Lantgraue of Thuring, the Bishoppe of Colon: these inclined to him being drawne as well by the Popes cursing of *Philp*, as also for that they saw that *Otho* was strong by meanes of his Vncle *Richard* King of England. But at last *Otho* being wearied with the warres, and perceiuing *Philips* affaires to prosper, was content to heare of peace.

115. The Pope himselfe after all his malice thus spent, made a motion of reconciliation betweene them, vpon this condition, that *Philips* daughter should be giuen in marriage to

Richard

Richard the Popes brothers sonne, newly created Earle of Thufcia, Spoletum, and Marchia Anconitana, hoping that these lands and Titles which then his Nephew inioyed onely by the Popes fauour, and at his will, might by this meanes afterward passe by right of inheritance. The Pope seemed to be so earnest for this match, that *Uſpergenſis* saith it was promised. Here is descried one end of the Popes excommunications and absolutions, and of raising warres in Christendome, that they might by troubling Christendome drawe some aduantages to themselves. The Popes motion was scorned of the Princes, and the daughter of *Philip* was giuen in marriage to *Otho*, and Articles agreed on that *Philip* during his life should gouerne, and after him *Otho*.

Otho the fourth.

116. **P***hilip* the last Emperour being murdered by the practise and hand of the Countie *Palatin Wutelsbach*, Germany fell within the power of the Popes vexation more then before: *Hoc vno Philippo perempto* (saith *Nauck*) *Germania summis insidijs Pontificis Romani agitata, vires pene suas omnes in sese experta est truculenter*: That is, This one Prince *Philip* being dead, Germany vexed with the great and most fraudulent deceits of the Pope, did feele in a manner all his force and power against it. *Otho* after this, comming to Rome, *Innocentius* the third who had set him vp in armes against *Philip*, entertained him with great shew of fauor, but this loue was turned shortly into greater hatred: For whilst Pope *Innocent* was somewhat too busie in exacting an Oath of *Otho*, and stirred vp or heartned some of the Citizens of Rome against the Germanes, the Romanes drew to a tumult, and killed one thousand and a hundred Germanes, who suspected no harme. *Otho* being much moued at this Romish entertainment, first moued that in some peaceable manner mends might be made: but perceiuing them to be enraged, that they seemed more ready to giue him a new on-set, then to offer or to accept peace: hee departed out of the Citie, and finding by suspicions and pre-

Nauck gener. 41.

Suspectum habens Rom. Pontificem, ne quid in eo tumultus occasionis ciuibus prestitisset. Nauck.

sumpti-

sumptions that Pope *Innocent* had giuen some occasion and heartning to the Citizens in that tumult: he resolved to be reuenged vpon the Pope, and entred into the lands of *S. Peters* Patrimony, making great wast and desolation where he came. Wherefore Pope *Innocent* excommunicated him, and absolved all Prelates, Lordes, and all the people that were subiect to the Empire from that Oath of Alleageance, which they had taken to *Otho*, commanding all men not to call him or account him Emperour, nor in any thing to yeelde obedience to him.

*Multiplices
Rom. Pontificis
contra se ostensas
calliditates
exponens, quam
iniuste ab illo
infectaretur, de-
clarauit. Nauci.
Nauci. gener. 41.*

117. *Otho* being thus excommunicated and cursed by the Pope, proceeded on in the same course, denying that the Pope had any power ouer the Emperour, or to dispose of the Empire, and therefore notwithstanding all that the Pope had done, still he did beare himselfe as Emperour. And coming into Germany, he held a Diet at Norinberge, where he opened to the Princes of Germanie, the manifold and fraudulent practises of the Pope against him: and mine Authour reporteth, that there he made this speech: [Now is the time come, O Princes, for you to shew your courage and care of the Empire, and for the administration thereof; for to you, onely to you, belongeth this right of disposing of the Germane Empire: therefore it must be your care to preuent these troubles. This we confesse to be in your power, and of your right to create an Emperour, or to depose him, to set him vp or pull him downe, and that herein the Pope hath no Iurisdiction: when any trouble ariseth in the Empire, you haue the power and right to redresse it. Now then like true Germanes defend your owne right, shew your courage and strength in the maintenance of your Country lawes, and of the imperiall dignity: either now maintaine your owne right, or else you shall loose all: for if by your facility you permit the Pope to dispose of the Empire at his pleasure, you shall soone finde most assuredly that your power in the choise of an Emperour shall be vtterly ouerthrowne and brought to nothing.] Thus did *Otho* then reiect the Popes power: but the Pope was too subtil and too strong for him, for he set vp *Fredericke* the son of *Henry* the sixt against him, to whom the Princes of Germany were bound in an auncient Oath of Alleageance,

geance. The memory of which bond did so preiudice *Otto* that he was forsaken, and *Frederick* was made Emperour.

. *Frederick the second.*

118. **F** *Rederick* the second, purposing to demerit the Popes fauour, and to assuage the insatiable thirst of bloud and waieres : gaue many great and rich gifts to the Pope, granted much land, and many territories in Italy to the Church of Rome : but nothing could assuage the spirit that ruled in the Popes. For after all this kindnesse of the Emperour, the Pope (then *Honorius* the third) gaue fauour and encouragement to two Earles of Thuscia, *Richard* (or as *Vespergensis* calleth him *Mathew*) and *Thomas*, notorious enemies of the Emperour, and conuict of Treason against him. Whom when *Frederick* pursued in battell, they betooke themselues to the protection of the Pope as their surest refuge. The Emperor followed them within the Popes territories : he declared also his right to Sicily and Apulia, and the auncient Priuiledges which those Kings had alwaies vsed for Inuestitures, which priuiledges in his nonage (who was left to *Innocent* the third, as to a faithfull Tutor) were surpris'd by the same *Innocent*, taken from his mother *Constantia*, himselve being yong & not able to make resistance. As thus *Frederick* sought to maintaine his right, *Honorius* draweth out this new and strange weapon against him, excommunicating, and depriuing him, raising vp his subiects against him, perswading them to shake off their faith, Oath, Alleageance, and all respect of the Emperor. The Lumbards he stirred vp in rebellion against the Emperour, procuring thereby great preiudice to the Empire (saith *Naucler*) and defeating the purpose of the journey, which *Frederick* intended to the holy land ; and in the beginning of these furious attempts, hee was cutte short by Death.

Naucl. gener. 410

119. *Gregory* the ninth who succeeded, began there, where *Honorius* left. And because he sought a pretence for his fury, he accused the Emperour, for that he had not performed his vowe of that journey to Ierusalem, whereunto he was drawne by *Honorius*

*Naucl. gener. 411
Cuspinian. vita
Frederici. 2.*

norius (Though this iourney he performed afterward) Thus the Pope neither conuicting him, nor conuening him, nor once hearing him, thundred out his bolt of excommunication. When the Emperours Ambassadours entreated that they might be admitted to réder reasons of his stay, they could not be admitted, but the Pope doubled & redoubled his excommunication. *Frederick* to mitigate this monstrous rage, vndertooke the iourney to Ierusalem, and performed the seruice with great labour and no lesse glory. But now behold the true reach of the Popes excommunications, and exhortations to the holy seruice. As soone as euer the Emperour was gone to Asia, then the Pope declaring why he so much desired his absence, raised forces and sent them to subdue Apulia to bring it vnder his subiection. The Souldiers which were signed with the Crosse for the holy wars he stayed, and them he spoiled of their prouision. *Frederick* in the meane time recouered Hierusalem, Nazareth, Ioppe from the Soldan, with other Townes, and wrote to the Pope of his successe: but the Pope suppressed those newes, and gaue forth that *Frederick* was slaine, to the end that he might with greater ease surprise certaine Cities of Apulia, which stood faithfull to *Frederick*. He slew with barbarous cruelty the Germane and French souldiers newly returned from the Easterne warres, least they should tell the truth of the Emperours good successe. And when *Frederick* sent to him to be absolved for his seruice (as the Pope had promised to absolve him, if once hee would take that iourney) this now hee vtterly denied. And moreouer as *Naucles* reporteth, hee enioyned the Knights that were called Templarians and Hospitularians, with a strict commandement, to vse *Frederick* no otherwise then a publike enemy. This practise of turning the Souldiers which were crossed for the holy warres to the Popes purposes, was much vsed by the Popes, and the common vse of it made the Princes of Christendome vnderstand, that the Popes vsed the pretence of the holy warres, when they would bring to effect some particular of their own. Thus were great preparations of the French and Germanes gathered by *Innocent* the third and *Honorius* the third, vnder pretence of the warres of Ierusalem: but turned wholly against the

Cuspinian. Fred.

2.

Naucles. gen.

41.

the Emperour of Constantinople : to reduce that Church to the obedience of Rome. Thus were other preparations and much money collected: pretended for the holy warres : but turned by *Martin* the fourth against *Peter* King of Arragon. Thus were the like preparations pretended for the same warres, but employed by *John* the two and twentieth against *Lodowick* Duke of Bauare. *Prescriptio sacrorum armorum aliò spectavit* (sayeth *Amylius*) *Pontifex hostem indicat Lodouicum Bauarie ducem.*

*Paulus Amyl.
in vita Philippì
Longi.*

120. *Frederick* returning into Italy from the East, after all these wrongs hauing both cause and means, opportunely offering it selfe to reuenge his wrongs: yet resoluèd not to bee drawne from his milde course. He made meanes to be reconciled to the Pope: the Pope would not heare of reconciliation, vnlesse he would giue him one hundred and twenty thousand ounces of gold. This was the price of his absolution. That the Princes of the world might know, that his excommunications stand in bloud, cruelty and ambition: his absolutions in couetousnesse. *Frederick* being thus absolued, was receiued by the Pope in a banquet, but all was counterfeit cheere. For no sooner was *Frederick* returned into Germany, but presently hee vnderstood that the Princes of Germany had receiued directions from the Pope, to chuse none of his family Emperour after him; that the Pope had conspired with his enemies to deiect him from the Empire. *Frederick* prepared an Army to repress the Lumbards, who had conspired against him, and tooke many Cities in Lumbardy, Vinbria, and Hettruria. The Pope (being one of the same conspiracy) was so offended at *Frederick*, that he thundred out now the third time his excommunication against him, discharging all his Subiects from their faith and allegiance. He made a league with the Venetians; and hee called the Lateran Councell, wherein the purpose was to depose *Frederick*. Hee commaunded also the heads of *Peter* and *Paul* to be caried through the City in solemne Procession. And calling the people together in Saint *Peters* Minster, hee made an Oration to them full of commiseration, stirring them vp to fight against the Emperour, and to take the signe of the Crosse as

against an enemy of Christ, promising everlasting life to all that tooke Armes against him.

121. The Emperour (in whom it appeared that the greatest patience once broken is turned into the greatest furie) vnderstanding that the Pope, whom he had alwayes sought to mitigate, was not to be drawne by kindnesse or faire-meanes, hearing also that against himselfe as against a Turke or Sarracine the Crosse was giuen: brought his Army before the City of Rome; and ioyning battell against his enemies, put them to an ouerthrow, but especially hee declared his indignation against such as had taken the Crosse. For hee commaunded that they should be cut in the manner of a Crosse. Some had their heads clouen in foure quarters crosse-wise. The Clergie had first a crowne cut off to the quicke, and then were deeply crossed with a sword; that as they were called, so they might bee in truth signed with a Crosse. The Emperour also vnderstanding that the Popes Legates were sent out to call the Bishops of England and Fraunce to the Councell, kept watch in all the wayes that none might come to the Councell. He tooke diuers Cardinals and Bishops that were coming by shippe: some he drowned, others he hanged; among whom was the Popes brother. Pope *Gregory* hauing thus raised vp the quiet spirit of this Prince into such a rage, and knowing no way how to appease him, or to rid himselfe out of these troubles, which himselfe had procured, for griefe died.

122. *Calestinus* the fourth succeeding, would also haue succeeded *Gregory* in the same hereditary spirit of rebellion, and savage crueltie, but a sudden death and short gouernment would not suffer him to performe his purpose: for within eightene daies of his Election he was poisoned. In his place came *Innocentius* the fourth, who of a most inward friend of the Emperour, became a most mortall foe, and surpassed all his predecessours in spirituall fury against the good Emperour: for when *Baldwin* King of Ierusalem, and *Raymond* Earle of Tholous laboured to establish peace betweene the Empire and Papacy, and had procured for that purpose a meeting: the Pope aided by the Fleet of *Genua*, gaue them the slippe and came to Lyons

in

in France, where he called a Synode. In this Synode the Pope caused *Fredericke* to be cyted personally to appeare, and to answer to such things as should be objected against him. The Emperour appeared not, but sent thither *Thaddæus Sueffanus* a famous Lawyer in those daies : among other that the Emperour sent, *Naucler* nameth also *Petrus de Vineis*, a learned and eloquent man at that time. These pleading for the Emperour, declared that he was hindred by such impediments, that personally he could not be present, and therefore they required with great submissnes on the Emperours behalfe, that a conuenient time might be assigned to him, wherein he might come and answer. This reasonable petition was denied: the Pope drew out his terrible toole, excommunicating the Emperour, absolving all Princes of the Empire from their Oath and faith, mooued them to make choice of a new Emperour, alleaging many causes falsly deuised, as blasphemy, periury, sacriledge, and such like.

123. *Fredericke* after he heard of these proceedings against him, made readie for a iourney to Lyons : but as he was in the way, vnderstanding that they whom he had banished from Parma, were returned thither by the Popes practise, and taking the Towne by force, had giuen a great ouerthrow to the other Citizens: fearing least this example might draw other Cities to the like reuolt: he gaue ouer the iourney to Lyons, and wrote Letters to the French King, and all Prelates refuting the Popes friuolous objections, declaring the iustice of his cause and his innocency. *Innocentius* regarding neither iustice nor innocency, pursued him by violence, malice, open warres, secret conspiracies, seeking all meanes that his vnholly head could inuent to take away the life of *Fredericke*. As he was taking his recreation in hauking at Grossetum by the Sea shore, neare to Siena, the Pope drew his owne seruants to a conspiracy: the conspiracy was detected, and the traytors had the reward of their treason. *Innocentius* who could not rest till he had done some Pontificall exploit against the life of this Prince, stirred vp the Princes of Germany to thrust downe *Fredericke*, and to set vp another: first was set vp *Henry* Landgraue of Thuringia; this

Petrus de Vineis
l. 2. Ep. 10. & 20.
Cuspinianus. vii.
Fredericus. 2.

Anno 1247.

man besieging Vlmes was wounded by the shot of an Arrow, and shortly after resigned both his life and the Empire. After this was *William* Earle of Holland set vp: this man was slaine in the warres which he had gaged against the Frisians: neither of these saith *Naucler*, were numbred among the Emperours. At last after so many secret traps laid for the life of this Prince, (behold the end of the Popes malice, where strength faileth) the Emperour was destroyed by poison.

King Iohn of England.

124. **T**He King of England sped no better then others, for by this vnbridled power of vsurped Iurisdiction King *Iohn* with the whole Kingdome was brought into great trouble and perplexity: these troubles grew vpon a quarrell of Election betweene the Monkes of Canterbury, and the Suffraganes, in the scuenth yeare of King *Iohn*: for after the death of *Hubert* Archbishoppe of Canterbury, the Monkes without the knowledge of the King, or respect of the Suffraganes, chose *Reynold* the Subpriour of the house, to be Archbishoppe, who secretly went to Rome to haue this his election confirmed by the Pope: but stay was made at Rome, because he shewed not Letters commendatory from the King. The Monkes percciuing that without those letters commendatory, they could not proceede, made request to the King that they might chuse another whom the King might commend: this the King liked well, and commended *Iohn Gray* the Bishoppe of Norwich, being his Chaplaine, and President of his Counsell (as *Hollinshed* saith, but *Mat. Paris* whom he cyteth, hath not so much) The Monkes gladly obeyed the Kings request, and made choise of this man: but the Pope refusing both, thrust vpon them *Stephen Langton*, commanding and compelling so many of those Monkes of that Couent, as were then at Rome, to chuse him: the King was herewith much moued, because *Stephen Langton* was brought vp vnder the French King, and bound to him: betweene whom and King *Iohn* there was at that time much warre and dissention, wherefore the King banished

nished the Monkes that had chosen *Stephen*, and wrote to the Pope, that he had no reason to admit *Stephen* to such a place in his Kingdome, a man promoted by the French King, and at his commaund. This contention continuing, the Pope sent to the Bishoppes of England, commaunding them to put the King and his land vnder the sentence of interdiction, denouncing him and his land accursed. The Bishoppes to whom the Pope wrote (being by this time become the Popes subiects and seruants and not the Kings, which is the end which the Pope seeketh by his Iurisdiction) denounced the interdiction, and then fledde to Rome: King *John* seeing many fall from his obedience to the obedience of the Pope, drew his people to an Oath of Alleageance. After this came *Pandulph* Legat from the Pope, who after that he had beene here a while, was commaunded by the Pope to repaire to the French King, there with *Stephen Langton* to take Councell, and to stirre vp the French to make warres vpon King *John*. Thus King *John* was depriued of his Gouvernement, his subiects absolved from their Alleageance, by which practise many reuolted from him; so that he was left weake; and when the Pope had thus weakned him, then he set vp the French King in armes against him. The issue was this: The King circumvented by these practises of the Pope and oppressed, being also bereaued of all helpe, was forced to deliuer his Crowne to *Pandulph*, and receiued it from him againe, as from the Popes hands. And thus was *Stephen Langton* made Archbishoppe: this was done in the fifteenth yeare of King *John*. *An.Dom. 1213.*

The Earle of Tholours.

125. **W**Hen *Frederick* the second liued, so persecuted by the Pope, as we haue declared: a new and strange generation rose vp of a suddaine, neuer seene in the world before, starting vp like those armed Souldiers, which the Poets faine to haue sprung vp suddenly of the Serpents teeth being sowed by *Cadmus*. Such a serpentine generation of Friars were newly hatched at this time: the first founders of them were

were *Francis* and *Dominick*. For the Popes hauing a purpose to raise themselves aboue the Church, and aboue Kings and Emperours; as both by their profession and claime in the Canon Law, and by their practise was apparant; and for this purpose thundring out their excommunications vpon euery occasion, practising this power in deposing Princes: found themselves much crossed in these courses by Bishops, and especially by the Bishops of Germany; who stood out for a long time faithfull in the Church, and courageous against the Popes tyranny. *Auentinus* giueth many testimonies of the courage of the German Bishops. (as else-where also we haue obserued of the English Bishops) for he writing of the times of *Frederick* the second, the Bishops then saith he, were not as now they are addickt to the seruice of the Pope, giuen to idlenesse and pleasure, but learned, industrious, louing Christ, and declaring their loue by feeding their flockes diligently. These were not for the Popes purpose. For in diuers Synodes they censured the Popes folly and ambition freely, and withstood his tyrannie. Then was the Church so gouerned by Bishops, all matters so iudged and determined, that the Pope might aduise, but hee could not by authority attempt any thing in the Prouince of any Bishop: thinges being guided by truth, law, the iudgement of the wisest and best learned in the Prouince; and by the Councel and common consent of the Clergy of that Prouince. Who had reason to know the estate of their Church and Prouince, better then the Pope, or any stranger could doe. This godly order in the Church, the Pope had a purpose to confound: to oppresse the Bishops authority, and to draw all power to himselfe. *Hoc institutum* (to vse the words of *Auentinus*) *tollere & antiquare, Episcoporum auctoritatem Labefactare, ad vnius cuncta potestatem redigere complacitum est.*

126. This being the purpose of Popes: for the better effecting of it, it was thought fit & expedient to raise vp new Sects of Friars, which might be wholly at the deuotion and direction of the Pope; to dissolue the discipline of the Church; to mollifie and corrupt the auncient rigour of Bishops, to alter the auncient doctrines, and bend them to the Popes purposes: and to be

be resolute and desperate Ministers for establishing the Popes authority and Iurisdiction ouer Kings; though it were to the wrack and common disordering of Christendome. For these purposes were Friars established at this time. And they wrought effectually to these ends. For the grauity, integrity, true honor, courage, constancy, and reputation of Bishops was neuer vtterly ouerthrowne, till Friars became Bishoppes, then came these corruptions into Bishops Courts. Then and neuer before, came in these sordidous censures to punish sinne with pecuniary mulcts in Bishops Courts, as *Iohn Wickliffe* doth witnesse, then and by them crept in the great corruptions of doctrine. And because when the Pope had excommunicated and deposed Princes, the Bishops in former times were not onely cold in executing the Popes fury, but sometimes withstood those attempts as new, rash, and bloody: the Friars were created to bee the firebrandes of Christendome for all the Popes furious enterprises.

127. The first seruice which the Friars did performe to the Pope, was in the execution of his excommunication against the Earle of Tholouse. The manner thereof by *Mathew Paris*, and other Writers, is described thus. *Raimundus* Earle of Tholouse was much enuied by the Pope, for fauouring them who then were called *Albigenses*. The Pope without examination of his cause, without iudiciall proceeding against the Earle, excommunicated him; and gaue his lands to *Simon Montford*. Which gift when *Simon* claimed in a parly before the Popes Legate: the Earle defended his right, and entreated the Cardinall the Popes Legat, to come to his Cities. And if hee found any that held any erroneous point of doctrine, he promised it should be reformed. And heerein the Earle promised his best helpe and assistance to the Cardinall. So confident was the Earle, knowing that no errour in doctrine could be found in his people, knowing also that the quarrell was not then for doctrine, but onely for Iurisdiction. And this thing the Cardinall well vnderstanding, would not make any examination of their Doctrines. Onely it was concluded, that the Earle and his people must be vndone, and no other agreement might be admitted but this:

Ff

that

The Earle of
Tholous.

Simon Montford
Earle of Leicester, when
peace was
concluded be-
tweene Henry
the third King
of England &
the Barons,
fledde from
England to
France, and
put himselfe in
the seruice of
the French
King. *Fabian.*
Anno 1245.

that the Earle must depart from his inheritance, and suffer his people to be at the Popes pleasure. The Legat hauing a purpose to raise great summes of money through Fraunce for this seruice, applied that businesse, and in the meane time this new generation of Friars were sent and dispersed in euery corner of France, to incite men to take the Crosse, and fight against the Albigenes.

128. But especially and aboue all other the new start-*vp* S. *Dominick* was a man of great vse & imployment in this seruice. He went like a fire-brand through France, and stirred *vp* both Princes and people to take the Crosse, and to fight against the Earle and his people, as against Turks & Saracines. The French King himselfe tooke the Crosse. The King and the Cardinall raised an Army of fifty thousand fighting men besides Waggoners, Victualers, &c. And came before Auinion the Earles chiefe City. In the siege there were two and twenty thousand of French slaine and drowned; the Citizens valiantly defending the City. In the meane time King *Philip* died, and King *Lewes* who succeeded him, died also in the Camp before Auinion. The Cardinall perceiuing that the City was so well defended, that all the losse fell on the besiegers; seeing that by direct meanes he could not preuaile: he put of the Lyons skinne, and put on the skinne of the Fox, and so preuailed by falshood in the end. For he tooke a solemne Oath, that if the people would let him in, and the Bishops who were with him: they would onely examine them of their faith and Religion, and would attempt no other thing. The people being well assured, that for matters of faith and Religion, nothing could be found against them: assented to the motion of the Cardinall. Whereupon the gates were set open to the Cardinall, and so the City was betrayed. For with the Cardinall and Bishops, the French Souldiers thrust in, and tooke the City. By this meanes was Auinion brought first vnder the Popes yoake; and made afterward the chiefe City of his residence for a time. For *Clement* the fift in the yeare one thousand three hundred and fise, translated the Popes seate to Auinion from Rome: where it remained for the space of threescore and fourteene yeares.

129. Though afterward the Earle repairing his Armie gaue the French diuers ouerthrowes, yet could he neuer reconer this great losse. *Fasciculus Temporum* witnesseth, that because the Albigenes were ouerthrowne by them that bare the Crosse, therefore the Pope instituted a new Order of Friars, called *Cru-ciferi*. In all this action the industry and valour of *Dominick* is much celebrated by the Stories of this time: the whole praise of this ouerthrow is attributed to him: Of him *Platina* witnesseth thus much; *Quos (Albingenses) Dominicus mira celeritate com-pescuit, adiuuante etiam Simone Montisforti: non enim dispu-tationibus verum armis opus fuit, adeo inoleuit tanta heresis.* *Platin. Innocent.* That is, *Dominick* did tame the Albigenes in a marueilous short time; by meanes of the Armie which *Simon Montford* brought: For that heresie was so rooted, that there was no vse of Disputation, but of armed prouision against them. Then we see that the first Order and Institution of Friars, was founded in blood and treacherous practises, against the State of Princes that withstood the Popes Iurisdiction. And herein the Popes end may appeare in aduancing Friars, not by disputations to search out a truth, but by force and armes to oppresse the Popes aduersaries, and so to fill Christendome full of blood and rebellions. 3.

Conradus and Mamphred Kings of Sicily.

130. **T**He next Prince that felt the stroake of the Popes Thunderbolt, was *Mamphred* King of Sicily: Sicily with Naples being the auncient right of the Empire; the Popes hauing gotten so much of that which before was the Emperours, were desirous to haue this also to helpe the patri-monie of poore *Saint Peter*. After the fall of the Empire, the Moores had taken Apulia and Sicily, and held those landes by force, vntill one *Robert Guiscard* comming out of Fraunce with an Army, draue out the Moores, and first wonne the Dominion of Apulia, and after in like sort of Sicily. The Kingdome of Si-cily he gaue to his brother *Roger*: *Roger* left it to *William*. These men possessed it by the right of Conquest, driuing thence the

barians and Infidels : But the Pope, hauing no other Title, but because he must succcede the Emperor in Italy; first excommunicated and deposed *William*. After this *Otho* the fourth, whom the Pope raised vp in rebellion against *Philip*, got the Dominion of Sicily : for which hee was also excommunicated by the Pope, and deposed. After him *Conradus* sonne to *Frederic* the second obtained the Kingdome of Sicily, and Apulia : for which Pope *Innocent* the fourth deposed him from the Empire, and set vp *Guilliam*, Lantgraue of Thuring, commanding the Princes to make choice of him. *Conrad* being excommunicate and deposed, maintained his right by strength of armes, but was secretly taken away by the practise of poison. This was supposed to be the practise of *Mamphred*.

131. *Mamphred* the bastard sonne of *Fredericke* the second, tooke and held possession of these Kingdomes after the death of *Conradus*. This man was also excommunicated by the Pope, and deposed; the Pope seeking alwaies to bring this Kingdome vnder the obedience of the Church of Rome. Pope *Urban* the fourth, a French-man borne, finding his owne power too weake to effect this Mastery ouer Sicily and Apulia, gaue these Kingdomes (which neuer were his to giue) to *Charles* brother to the French King *Lewes* the ninth, who was called S. *Lewes* : This was the beginning of those troubles, which afterward brought so great warres and bloud-shed, and thereby wel-nigh the vtter ruine of Italy.

ANNO 1263.

Charles King of Sicily, and Conradinus.

132. **F**OR *Charles* comming with an Army into Italy, at the Popes motion, ioyning battell with *Mamphred*, ouerthrew him, and slew him in battell neare to Beneuentum. Pope *Clement* the fourth succceeding *Urban* the fourth, vnderstanding that after the death of *Mamphred Conradinus* the sonne of *Conradus*, then but yong, prepared forces in Germany to recouer his inheritance of Sicily : made *Charles* brother to the French King the Vicar of the Empire to giue him strength against *Conradinus*; and wrote Letters to all Christians,

ans, forbidding all men to write to *Conradinus* as to the King of Sicily. And to the Princes of Germany hee wrote likewise, forbidding them vnder the terrible paine of excommunication to chuse *Conradinus* Emperour : by which meanes the Empire was without a Soueraigne Magistrate for the space of two and twenty yeares : In which time *Alphonfus* King of Spaine, and *Richard* Earle of Cornewall brother to *Henry* the third King of England contended for the Empire. These had the titles of the Emperour bestowed vpon them by their friends, but the Emperour was not placed till *Rodolph* Count of Habsperge was chosen. In the meane time *Charles* grew strong in Italy, being made by the Pope, Vicar generall of the Empire.

133. When *Conradinus* vnderstood these practises of the Pope against him, perceiuing that the Popes had a resolution to roote out the seede, and vtterly to extinguish the blood of *Frederic*, he wrote a lamentable Epistle, deploring his owne fortunes, and the Popes iniquities. [*Innocent* the fourth (saith he) hath ouerthrowne me an innocent man : for *Conradus* my father, King

of Sicily left me yong and tender in the custody of the Church : then Pope *Innocentius* pretending my wealth, professing himselfe a trusty Tutor, inuaded the whole Kingdome, and when once he had gotten the possession thereof, he sought vnmercifully to extinguish my name and blood, deuiding my lands and Countries, and distributing the same among his owne kinsemen and Nephewes. After his death *Alexander* succeeding, inuited others into the possession of that Kingdome, excluding me. After his death *Vrbanus* dealt very inurbanely : for hee drew *Mamphred* in, excluding my selfe the true heyre. The same Pope disannulling that match with *Mamphred*, drew *Charles* to vndertake the businesse against my selfe. After his death *Clement* vsed all inclemency against me, setting vp another King : and not content herewith, thundreth out his Processess against me, thinking it a small matter that against God and against Iustice, he hath robbed me of my Kingdome ; vnlesse he proceede also to take the title from me. Last of all, he hath established *Charles* Vicar of the Empire to preiudice and defeat me by all meanes.] Thus doth he complaine : by which complaint we

Epist. Conradin.
apud Nauclerij
Generat. 43.

may

*Quem cum
Pontifex transe-
untem vidisset,
prophetica voce
usus, adolescers
dixit, hic tan-
quam victimam
ad caedem duci-
tur. Nacler.*

may vnderstand somewhat of the Popes purposes. *Conradinus* gathered an Army, and came into Italy: the Pope as he passed by (as some doe witnesse) did prophesie his death, which was not hard for him to doe, when hee had so strongly prepared the meanes thereof: *Conradinus* therefore was ouerthrowne by *Charles*: and so was all the bloud of *Frederick*. And thus was that noble line of the Dukes of Sueuia vtterly extinguished.

134. When *Charles* had at the Popes suggestion made this distruction in the house of Sueuia: the Popes not knowing how to liue in peace and quietnesse, began to turn their malice vpon *Charles*. And first Pope *Nicholas* the third, onely fearing that *Charles* should be too great in Italy, hauing no quarrell against him, tooke from him the office of Deputy of Hetruria: pretending that, *Rodolph* Emperour was therewith so much offended, that vlesse *Charles* would deliuer vp into his handes that regiment, he would not vndertake the iourney to the holy land, seeing that place belonged to the Emperour by right. But when the Pope had gotten this both from the Emperour & from *Charles*, together with *Flaminia*, *Bononia*, the Exarch of *Rauenna*: he kept all, saith *Platina*, in his owne custody, and thither he sent his Nephew. Thus must all the world be troubled that principalities may bee procured to the Popes bastards. This Pope, saith *Platina*, had a desire to create two Kings in Italy of the Vrsini: one of Hetruria against the French forces now placed in Sicily and Naples: the other to be King of Lumbards against the Germanes and imperiall forces. But first for the more speedy ouerthrow of *Charles*, whom the former Popes had drawen into Italy as into a trap, he conspired against him, labouring by all his power to throw him out; and therefore gaue his Kingdomes to *Peter* King of Arragon. The great offence between Pope *Nicholas* and *Charles* grew (saith *Nacler*) *quia Carolus assentiri noluit ut suis consanguineis contraheret cum consanguineis Pontificis*. [*Charles* would not agree, that his kintred should match with the Popes kinred.]

*Platin. Nichol. 3.
Nacler. gener. 43*

Peter King of Aragon.

135. **P***eter* King of Aragon, being thus drawne in, to the quarrell of Sicily by Pope *Nicholas* the third, (For saith *Nauder* the Pope, perswaded *Peter* to take the Kingdom of Sicily in the right of his wife *Constance*, who was the daughter of *Mamphred*, and Niece to *Conradinus*) brought an Army into Sicily and inuaded the Kingdome. But *Martin* the fourth, who succeeded Pope *Nicholas*, excommunicated *Peter*, deposed him, depriving him also of the Kingdome of Aragon. Thus were these Princes first drawne into bloudy wars by the Popes, who sometimes inuited them, and laughed vpon them as louing friends, sometimes plunged them in bloud as taking a delite in their destruction. Let the Princes of Christendome once awake and consider the sauage nature of this wilde beast, that is not onely drunk with the bloud of Saints, but fed also fat with the bloud of Princes. Thus the Popes filled all Christendome full of bloud with their excommunications. Are these Christs Vicars? are these the censures of Christs Church? *Martin* then excommunicated *Peter*, gaue his Kingdome to such as would inuade it, absolued his Subiects from their faith & alleageance, drew those that had taken the Crosse for the warres of Ierusalem, to fight against *Peter*. And when *Martin* was dead, *Honorius* the fourth did redouble his curses vpon *Peter*. After all these curses, and so much bloud and warres procured by the Popes to the vexation of Christendome, yet *Peter* maintained his chalenge and held those Kingdomes.

*Platin. Mart. 4.**Philip the French King.*

136. **B***oniface* the eight, pretending to aduance the holy warres, (for this was not the least pollicy of that Sea to send Princes abroad, that in the meane time they might suck their Kingdomes, and draw the sinewes thereof to Rome) for this purpose sent the Bishop of Ariminum to *Philip* the faire, the French King. The Bishop hauing vsed all perswasions hee could

Naucler.

Mandans regi
recognitionem
regni facere sibi
Apostolicæ.
Naucler.

Naucler gener 44.

Naucler gener. 44.
Platin. Bonij. 8.

could by faire meanes, and finding the King nothing moued with all that he alleadged, from perswasions hee fell to threatnings. The King being much offended at his threatnings: and because as some adde, the Bishoppe had rauished an ingenuous maid, threw the Bishoppe in prison: Others say he apprehended the Bishoppe, *Quod esset paterinus hereticus*. Whatsoeuer the cause was of the Kings offence, *Boniface* was highly displeased, and sent the Archdeacon of Narbon, to command the King to acknowledge that he held his Kingdome of the Church of Rome, or else to denounce the Anathema against him, and obsoleue all French men from their Oath of Alleageance. When the Archdeacon arriued at Paris, the King would not permit his Bulles to be published. The Popes letters were taken from him, and burned with fire. The King also vnderstanding the end of the Popes earnest motion for his iourney to Ierusalem, to be that in his absence he might draw great treasures out of France to Rome; published an Edict wherein it was made vnlawfull for any to depart out of France to Rome, or thither to carry money. Whereupon *Boniface* cursed *Philip* to the fourth generation, absouled his Nobles, and gaue his Kingdome to *Albert* the Emperour; inuesting *Albert* by his letters into the Kingdome of France: but *Albert* protested that he would not stirre against the King, vnlesse hee might haue that Kingdome confirmed to him and to his heyres. No, quoth the Pope, that may not be as long as *Iezabell* liueth: meaning *Elizabeth* wife to *Albert*, a woman of great fame and honour, whom he hated for no other cause, but for that her brethren and auncestors had done valiantly against the Sea of Rome.

137. Against this furious attempt of *Boniface*, *Philip* the French King in an Assembly at Paris appealed from the Pope to a generall Councell: this appeale is diuersly reported: All agree that he appealed from the Pope. *Platina* confoundeth the Narration thus: *Ad sedem Apostolicam tum, ut ipse dicebat, vacantem futurumque Concilium appellauit*. That is, [He appealed to the Sea Apostolicke then vacant as he said, and to a Councell which should after this be held.] *Naucler* deliuereth it thus: *Rex Francia congregari fecit Paritius omnes Pralatos Francie, nec*

non Barones, & facto Concilio, pro sui iustificatione appellavit ab illa sententia se excusando, & contra Bonifacium inuehendo, &c. That is [The French King gathered a Councell at Paris of Prelates and Barons, and for his owne iustification hee appealed from that sentence, excusing himself, & inueighing against *Bonifase*.] This man then hath nothing of any appellation to the emptie Sea : but the appellation was as diuers were about these times, from the Pope to a generall Councell : this appeale was sent by *Sarra Columna* a Nobleman of Rome, and one *Nogarelius* a French Knight, a man faithfull to the King. The pretence was diuulged that they should goe to publish the Kings appeale against the Popes Decree, but *Sarra* hauing another secret purpose came into Italy in the habite of a seruant : gathered closely by the helpe of his friends a band of souldiers, and with great secrecie and silence came to Anagnia where the Pope lodged then in his fathers house. *Sarra* breaking vp the doores, tooke *Bonifase* in bed, bound him, and brought him to Rome ; where after a few daies in great sorrow and desperation, he ended his wretched life. *Ranulphus* saith, that he was set vpon an Horse vnbridled, with his face turned to the horse taile, and so running to and fro, was famished with hunger, and died like a Dogge : as the common saying was of him, that he entred like a Foxe, raigned like a Lion, and died like a Dogge. It may be truely said of all the Popes that liued since the yeare of Christ one thousand, which *Naucier* obserueth of this Pope : *Imperatoribus, Regibus, Principibus, nationibusque terrorem potius quam religionem incutere conabatur, dare regna & auferre pro arbitrio, &c.* [He sought not so much to plant Religion, as terrour in Emperours, Kings, Princes and nations : to giue and take away kingdoms at his pleasure.] Where hee doth truely describe the fruite of the Popes excommunications : it is not for planting of Religion, but for striking a terrour in Princes, and breeding a confusion in the world : and therefore it is no censure of Christs Church ; because all these censures plant Religion without confusion of Princes, and disordering of the world.

138. Finding in Story two Epistles, one from *Bonifase* to

*Naucier gener. 44.
Plat. Bonif. 8.*

*Polychron. l. 7.
cap. 39.*

this *Philip*, the other from *Philip* to *Boniface*, I thought good to set them downe, they are but short.

Boniface seruant of Gods seruants, to *Philip* the French King: feare God and keepe his commandements.

VVe will haue you to vnderstand, that you are subiect to vs, both in spirituall and temporall affaires: No collation of Benefices or Prebends belongeth to you: and if you haue the vacation of any, reserue the fruits thereof to the successours: if you haue made any collation, we iudge that such shall be of no validity that are to come, and those that are past we reuoke: reputing all Hereticks that thinke otherwise. Dated at Lateran, &c. • The answere was thus returned:

Philip by the grace of God, King of France, to *Boniface* bearing himselfe as Pope, health little or none at all.

Facultas vestra. **Y**Our singular foolishhip may vnderstand, that in temporall affaires we are subiect to none: that the collation of Churches and Prebends pertaineth to vs by royall prerogative, and the fruits thereof during the Vacation: that the collation already made, or hereafter to bee made, are of iust force and validity; and that we will defend the possessours thereof against all men: reputing all foolish and madde men that thinke otherwise.

Henry

Henry the seventh.

139. **H**ENRY the seventh Emperor was much fauoured at the first by *Clement* 5. Pope, for that *Clement* was highly offended with *Philip* the French King, who then sought the Empire: the hatred of *Philip* drew fauour to *Henry*; but as passion ruled the Pope, so pride ouer-ruled the passion, and turned this fauour into greater hatred: for when *Henry* came to order the State of Italy, at that time greeuously troubled and vexed for want of the Emperours presence, and had twise ouerthrown *Rupert* (or as some call him *Robert*) King of Sicily, the son of *Charles* (whence grewe a new vexation of Italy betweene these two Princes, and, as *Platina* saith, the blame was laid vpon *Clement*, who had called the Emperour with an Armie into Italy) hee came to Rome for the Emperiall Crowne, as *Clement* had inuited him thereto. But because the Popes must bee alwaies like themselves, *Clement* first denied his Coronation, after ward hee consented vpon condition, that *Henry* should take an Oath of Alleageance to the Pope. This the Emperour refused as being a thing strange, and without example. Heere is descried an other end of these excommunications: the Popes purpose to bring Kings and Emperours vnder them in respect of temporall Iurisdiction, therefore they required of Emperours an Oath of Alleageance. *Clement* the fift in one of his Canons, maketh a long processe to proue that *Henry* tooke an Oath of Alleageance, and that such an Oath is due to the Pope from Emperours.

Anno 1038.

Platin. Clem. 7.

Clem. de sent. &
re iudic. pasto-
ralis.

140. *Clement* pursuing his hatred against *Henry*, aduanced the Title of *Robert* to Sicily, whom the Emperour had by an ordinary processe of law condemned for Treason, and declared an enemy to the Empire. The Popes exception against *Henry* was, that the Kingdome of Sicily belonged not to the Empire; but he alleaged, saith *Platina*, that it was the Popes right to bestow the Kingdome of Sicily on this side and beyond Pharus, vpon whom he pleased, or to take it from whom hee would: hence began great stirres to grow betweene the Pope and Emperour:

ANNO 1313.

Euspinian.
Naucler.
Plat.

The Emperour pursuing his right, brought an Armie into Italy; and coming to Bonauentum, his purpose was there to rest himselfe a few daies, and to betake himselfe to prayer and fasting, and other good workes, that his lawfull labours and purposes might be blessed of God, intending on the feast of the assumption to take the holy Sacrament. The Bishoppe of Trent his Confessour was absent at that time, being sent to Pope *Clement*: but there was one sent backe in his roome a Iacobin Friar of *S. Dominicks* Order, suborned for to worke a feate: this man at that time administering the Sacrament, hauing mingled Adamantin dust, which is thought to be the strongest poyson, in the flower whereof the Eucharist was made, gaue it so prepared to the Emperour: the poyson was so strong, that the Emperour presently perceiued the danger; and when the Masse was ended, he called the Friar, and said to him; O Sir, depart quickly, for if my seruants shall knowe what a mischief you haue done vpon me, you should die a miserable death: but God forgiue you. And so the Friar escaped, and the Emperour died.

Lodowicus Bavarus.

Naucl. gener. 45

141. **A**fter the death of *Henry* the seventh, the Princes Electors were at variance for a successeur: some were for *Frederske* Duke of Austria, others for *Lodowick* Duke of Bauare: *John* the two and twentieth Pope, apprehended the occasion to dash one of these Princes against the other. First he reiected *Fredericke* with great contumely; for when *Fredericke* had sent a Bishoppe to moue the Pope to ratifie his Election, and the Bishoppe eloquently declared the Nobility of *Fredericke*, and his valiant Progenitours, vsing that speech; *Fortes creamur fortibus & bonis*: the Pope with Pontificall arrogancy, answered, that *Solomon* the wisest man that euer was, begot a most foolish sonne. Against *Lodowicke* likewise he pretended a quarrel, for that he tooke more vpon him then belonged to his place: and sometimes seeming to fauour the one, and sometimes the other, at last he promised *Fredericke* that hee would

would make him Emperour, if hee would bring an Army into Italy to reueng him of *Maphaus* and of his sonnes called Vi-counts. By this means great warres were raised vp in Italy, and in Germany: the two Princes *Lodonicke* and *Fredericke* met also in a battell fought from Sunne rising to Sunne setting, wherein *Lodonicke* had the victory; *Fredericke* was taken prisoner.

142. Whereupon Pope *Iohn* without lawfull proceffe, excommunicated *Lodonicke* in his Consistory at Auinion, and declared him to be schismaticall, hereticall, and rebellious against the Church; and depriued not onely *Fredericke* himselfe of all his Dominions as much as in him lay, but depriued also all Clerkes that should giue him councell or aide. Against this excommunication the Emperour appealed: the forme of which Appellation is to be well obserued; for albeit some write that he appealed from the Pope mis-informed, to the Pope truly informed, and to a generall Councell; yet this is but the relation of such as fauoured the Popes Iurisdiction, thinking that no appeale could be made from the Pope simply: And therefore no relation of others can satisfie vs in this point so well, as the very authenticke writ of *Lodonicke* himselfe, wherein hee declareth his appeale: which writ or declaration is set downe at large in *Naucles*, from whence I would obserue some things which the Emperour declareth concerning the Popes Iurisdiction; for therein he toucheth many points of his Iurisdiction, and taketh exception against such partes of Iurisdiction which the Pope claimed, partly in preiudice of the temporall Magistrate, partly in preiudice of the Church. For the question of Iurisdiction was better studied by learned men in the time of this Emperor, then euer it was since.

143. *Lodonicke* then vnderstanding by men of greate learning in humane and diuine lawes, which that age brought forth, that the Pope had incroached vpon the right of temporall Princes, and vpon the Iurisdiction of the Church: and that hee ought to be gouerned in temporall affaires by the Emperour, in spirituall affaires by the Church, appealed from the Pope to a generall Councel, and to the Catholicke Church: thus the Em-

Nauch. gener. 45.
Anno 1338.
Paralipom.
Usserg.

perour declareth his appeale; *appellauimus ad futurum generale Concilium, & ad sanctam Catholicam Ecclesiam*. This was done in an Assembly held at Franckfort, published as a Decree against the Proceſſes of *Iohn* the two and twentieth: which Decree though it be somewhat large, yet becauſe it containeth the iuſt claime of the temporall Magiſtrate, againſt the pretended Iuriſdiction of the Pope, I muſt draw at leaſt the ſumme of it to giue ſome ſatisfaction to the Reader: He declareth the Popes claime, for he claimed that hee had temporall Iuriſdiction ouer Princes: that the imperiall power was from the Pope: that he that is choſen King of the Romanes hath no Iuriſdiction by his ſole Election vntill he be annointed, conſecrated and crowned: that in temporall matters the Pope hath a fulneſſe of power. This was firſt the Popes claime; whereunto the Emperour answereth [That this ſtandeth againſt the auncient Canons of the Church, againſt law, and againſt reaſon.] Hee cyteth for this diuers Canons, to proue that the Emperour hath not his power from the Pope, but from God alone. Againſt each of the foreſaid Poſitions he cyteth diuers Canons out of the Decrete of *Gratian*. Secondly, Pope *Iohn* the two and twentieth objected againſt the Emperour, that hee the ſaid Pope had annihilated the Emperours Election; and that therefore the Emperor had no right to adminiſter the imperiall lawes, but that this adminiſtration belonged by right to the Pope. To this the Emperour answereth: [That this ſtandeth againſt the liberties of the Empire, and againſt the liberties of them that are Electors, againſt the lawes and liberties of all the Princes and ſubiects of Germany.]

144. And whereas thirdly the Pope objected, that he hath excommunicated all that ſhall adhere, perſorme obedience and reuerence to the Emperour, and ſaith that the iudgement of the Paſtor, whether it be iuſt or vniuſt is to be obſerued. To this the Emperor answereth [That theſe denunciations are of none effect: for it is a rule, that if a Prelat in commaunding or forbidding, ſhall not keepe the forme preſcribed by the Canons, they who diſobey him, doe not incurre the ſentence of excommunication. Now the Canons, and the Church doe take from the

the Pope power in temporalities, which power *Iohn* the two and twentieth vsurpeth: this is one of those cases wherein the sentence of a Prelat is not to be feared. Another reason is, because by law that sentence is of no force, where there is an expresse error in the sentence: as if a subiect should be commanded not to obey his Superiour: or if something should be commaunded against God, or against holy Scripture. Now it is manifest that *Iohn* the two and twentieth hath commaunded the subiects of the Empire, not to obey vs, whom they are bound to obey by the lawes of God and man. Another reason is, because it is a thing confessed, that the sentence which is giuen after a lawfull appeale, is void and of no strength: but it is well knowne that from *Iohn* the two and twentieth, and his Processe against God, and iustice, we appealed to a generall Councell, and to the holy Catholicke Church: which appellation was brought to the knowledge of the said *Iohn* before he published Excommunication against them that fauour vs.]

145. If it be said the Pope hath no Superiour, and therefore no man may appeale from him. To this the Emperour answereth thus: [It is manifest by the Catholicke doctrine, that the Pope in matters of faith is subiect to Councils. *16. dist. sicut in tex. & in Gloss. 25. q. 2. sunt quidam, 19. di. Anastasius. 40. di. Si Papa.* Moreover in matters of diuine right, a Councell is about the Pope. Thus then we haue appealed to a Superiour, that is to a generall Councell, against our aduersaries who impugne vs, the Empire, the Catholicke faith, which the holy Church of Rome handleth.] This is the summe of that Decree which the Emperour published against the Pope: it was dated at Franckfort the eighth of August, *Anno* one thousand three hundred thirty and eight. The processe of this worthy Prince giueth vs occasion to consider some things which declare the sense, iudgement and Religion of the Church of Rome at this time. By the Church of Rome I vnderstand these Western parts of Christendome, for so I find it termed heere, and other-where separate and distinct from the Pope.

146. For first by this appeale from the Pope to a generall Councell, we finde that it was the iudgement and common receiued

ceiued sentence of that age, that a general Councel is about the Pope, may iudge the Pope, censure and depose him: this is here declared and confirmed: this was not onely the doctrine of the Church then, but long after it continued, and was neuer denied by the Church of Rome, before the Councell of Trent, as hereafter we shall declare. Moreouer we finde a distinction obserued by the learned men that held this Assembly (that is by the Prelates of the Empire, for so the Decree runneth, *De concilio ac assensu Prælatorum omnium, &c.* And many other learned men of Christendome, yea many Friars which were here assembled, especially the Minorites, who were then oppressed by the Pope) The distinction, I say, betweene the Pope and his flatterers on the one side, and the Church of Rome on the other side. For the Emperour appealeth from the Pope, to the Church: and this was a practise vsed by diuers, as hereafter we shall obserue. Then the Pope and his flatterers did not represent the Church of Rome, as now they pretend to doe. Againe wee obserue that the Emperour being defamed for heresie and appealing to a generall Councell, as he denieth the Pope to be his Iudge, so he refuseth not to be iudged by the Church: for as *S. Ambrose* saith, *Imperator intra Ecclesiam, non supra Ecclesiam est.* Then *Ora. in Auxent.* the authority of the Church bindeth the greatest members thereof, euen Kings and Emperours. If our aduersaries obiect against vs and our Church: why then doe you giue to the King the Title of supreme head or Gouvernour of the Church? We answere, such obiections proceede from an obstinate and willfull ignorance in mistaking of our doctrine. For when the question is of Iurisdiction externall coactiue, wee giue to the King the place of a supreme Iudge: but if the question bee of faith and Religion, we say the King is no Iudge, but to be iudged by the Church: as we see godly Princes haue beene, and namely this worthy Prince *Lodonicke*, who being accused of heresie by the Pope, appealeth to the Church.

147. Last of all we obserue in the sense and iudgement of this Emperour, and of the learned men that were assembled with him, that in the point of Iurisdiction no such thing is left to the Pope as he claimeth. For in matters of faith, the Iurisdiction

tion is in the Church, as here it is acknowledged: in matters of coactive power the Iurisdiction is in the Emperour; as all these learned men did yeelde in this Councell, and after the Councell did maintaine by their writings. For wee finde the same trueth maintained by *William Ockham*, *Marsilius Patavinus*, *Michael Casina*, and many moe, who with great courage and learning did maintaine the Emperours Iurisdiction heerein against the Popes vsurpation. This wisdome and moderation of the Emperour in defending his right, not onely by force of Armes, but by learning and iudgement, moued the Pope who succeeded *Iohn* the two & twentieth; that is, *Benedict* the twelfth, in spite of malice to giue him many honorable testimonies: to promise to restore him by absolution againe to this place. But the Pope did but fraudulently put him off from day to day: which thing when the Emperour perceiued, he called a Diet of the Empire at Rensum, where he did with that wisdome, courtesie, and liberality binde the Princes Electours to him, that they tooke a solemne Oath to maintaine the liberties of the Empire, and decreede that all the processses of *Iohn* once Pope, against *Lodowick* were of no force: and that the Pope ought not to attempt such things against the Emperour, seeing their Iurdictions were so much distinct.

148. *Clement* the sixth succeeded *Benedict* the twelfth: this *Clement* falling into deeper fits of rage against the Emperour, then his Predecessours had done, commaunded Letters to bee fixed vpon the Church doors, filled with threatnings and curses against *Lodowicke*, if within three daies he did not make satisfaction to God and the Church (by the Church vnderstanding himself) & vtterly desist frō administration of the Empire. When three daies were expired, hee pronounced him contumacious, and thundred out his excommunication. The Emperour sent his Ambassadours, crauing pardon, promising satisfaction for any thing he had done amisse to the vtmost of his power: wherevpon the Pope prescribed him a forme of reconciliation: hard, shamefull, dishonourable; that he shall confess against himselfe all heresies and errours: that hee shall relinquish the Empire, and commit himselfe, his children, & all his goods to the Popes

*Cuspinian.
Naucler.*

mercy. This the Embassadours sealed and confirmed : But when this forme of reconciliation prescribed by the Pope, came to the Emperours sight, he sent copies thereof abroad to all the Princes : and presently called a Diet at Franckfort : the Princes iudged the presumption and pride of the Pöpe to be intollerable, and therefore reiected this prescribed forme of his, as being deuised to the bane and ruine of the Empire ; and promised the Emperour assured and faithfull aide, if he would maintaine the liberties of the Empire, as hee had done. The Pope like a Tyger disappointed of his prey, entred into a deeper conspiracy against *Lodouicke*, purposing an viter extirpation of him and his posterity, as the Popes his predeceffours had done before, to the house of Sueuia, exterminating all the seed and posterity of the *Frederickes*.

Anno 1346.

Naucl. gener. 45

149. And therefore this *Clement* at Masse curseth *Frederick* againe, renueth all the processees of *Iohn* the two and twentieth against him, declareth him to be hereticall and schismaticall : deposeth him from the Empire, and commaundeth the Princes to proceede to a new Election. To effect his purpose the better, he remoueth *Henry de Wirtemberg* from the Archbishopricke of Mentz ; this man was deposed because he fauoured *Lodouicke*, and in his place he set *Gerlac* his Chaplaine. *Gerlac* the newe Archbishoppe calleth the Princes to Rhenes : and to goe thorough with his businesse which the Pope had giuen him in charge, corrupted the Archbishoppe of Colon, and the Duke of Saxony with great summes of money, to consent to the Election of *Charles* sonne to the King of Bohemia. They did so : and *Charles* was elected at Rhenes : and afterward crowned at Bonna. But after this, when *Lodouicke* summoned the Princes of Germany to Spire, there was not one found in all the Cities of Rhene, Sueuia, Franconia that regarded the election of *Charles*, or the Popes processe. The administration of Mentz was by *Lodouicke* committed to another. After that *Lodouicke* had thus with great moderation and courage maintained his estate, against the Pope and *Charles*, so that his aduersaries had no hope to preuaile against him by force ; the next newes was, *Lodouicke* was of a sudden found dead. This is the singular lucke

Paralipom.

Vßberg. An. 1346

luke of those Princes, that falling into the offence of the Pope, will not be overcome by force. Some write that he was poisoned as he was to goe on hunting, that by the agitation of his body, the poyson might worke more effectually.

Charles the fourth.

150. **A**fter the death of *Lodowicke*, *Charles* the fourth, whom the Pope aduanced to the vtter ruine, not of *Lodowicke* only, but of that Empire, did by the instinct of his Ghostly father lay the Empire in the dust so lowe, that it neuer rose vp to any such height, as before him it held. At his Coronation the Pope bound him with an Oath neuer to come to Rome, nor to make longer abode in Italy then the Pope himselfe thought good. Now to make *Charles* to waste and consume the reuennues of the Empire, this cunning was vsed: diuers competitours of the Empire were set vp against him: to *Gunterus* one competitor hee gaue two and twenty thousand Markes, and two imperiall Towns in Thuringia: to *Fredericke* Marquesse of Misna, tenne thousand Markes. There were at Millain at this time, they who were called Vicounts, who grew great and practised their tyranny, oppressing the Cities of the Empire. The Pope desired that they should be repressed, but so that himselfe might be aduanced: and therefore by the helpe of *Charles* he got many Cities out of their handes: *Charles* being thus drawne to dilapidate the reuennues of the Empire, dealt also secretly with these Vicounts, to whom for a great summe of money he sold Millain, and confirmed them in a perpetuall Office, to be Vicars of the Empire; after which time, these Vicounts rose to a great Dominion in Italy. The Kingdome of Arles which *Otho* the first had conferred vpon the Empire, hee deliuered to the French King for a great dinner at a Towne neere to Auinion. Sixteene Cities of Sueuia part of the Empire he sold to the neighbour Princes: Bopardia and Wexalia imperiall Cities, he morgaged to *Cuno* Archbishoppe of Triers. *Lusatia* hee confirmed to the Kingdome of Bohemia for euer, corrupting the Archbishoppe of Magdeburg for a

*Cuspinian. vita
Gunteri.*

*Cuspin. in vita
Caroli.
Vicomites.*

*Auentin. l. 7.
Naue. gener. 46*

Nauecl. gener. 46.
Aeneas Silvius.
hist. Bohem. cap.
33.

great summe of money to sell the right of his Church: for the Archbishop before that time, held Lusatia of the Empire. That *Wenceslaus* his sonne, a man giuen to idlenesse, ryot, and pleasure, might be chosen Emperour after him, he practised a newe example, promising to euery Electour an hundreth thousand Crownes: and wanting money to performe this promise, to some he morgaged the reuennues of the Empire: to the Palatine of Rhene he morgaged *Cæsarea Luthrea*, *Oppenheim*, *Oldenheim*, *Ingolheim* for an hundreth thousand crowns: By this meanes the Maiesty of the Empire was throwne so flatte on ground, that since it could neuer holde vp the head. This the Pope long sought, and at last by meanes of his vnblest sonne *Charles* effected.

Wenceslaus.

Anno 1379.

Nauecler.

Anno 1400.
Nauecl. gener. 47.

Virgil. AEn. li. 3.

1371. AT this time began a schisme in the Church of Rome betweene *Urban* the sixt, and *Clement* the seuenth. This was the greatest schisme, the most terrible, and longest that euer was in that Church: it held fiftie yeares, and could scarce be appeased by two generall Councils of Pisa and Constance. In this schisme *Wenceslaus* fauoured *Urban*: in whose behalfe he sent his Ambassadours to *Clement*, whom *Clement* vsed without all clemency; for in a sauage manner he tortured them with exquisit tortures. After this *Boniface* the ninth deuised a new practise to robbe the Churches of Christendome, imposing the vse of Annates vpon all Benefices: that whosoever obtained a Benefice, should pay one halfe years profite to the Pope: some say that *John* the two and twentieth first deuised this robbery. Whosoever inuented it, the Popes like ynsatiable Harpyes deuising all meanes to bring confusion and misery vpon the Church, to satisfie the Horse-leach that will neuer be filled, increasing in couetousnesse, increased these Annates in times, and brought them to first frutes: raking one whole yeares profite away from the Incumbents: Wherein of these Harpyes we may say, as the Poet saith of those other Harpyes: *Vestigia feda relinquunt*: But the godly Princes of Christendome

scandome are to be intreated in the behalfe of God, to remoue these grieuances from the Church, which the insatiable couetousnesse of Popes brought in. And seeing they haue remoued the Harpyes themselues, why should they leaue the markes of their abhominable couetousnesse to the eternall oppression of the Church? Why should these vncleane spoiles be found in the hands of godly Princes? It would be the eternall honour of our Princes, not to chaunge the oppressour, but to remooue the oppression. It was the honour of this land, that when the Pope had oppressed all other Churches, onely the Church of England was free: *Hanc consuetudinem omnes admisere, prater Anglos;* saith *Naucler*. It was first imposed in the yeare one thousand and foure hundred: it was not vsed in England when *Naucler* wrote, as he witnesseth: that is not before the yeare one thousand fiue hundred, so odious an abuse, so lately bred might soone be remoued, if the cup of these sweete wines, wherein the Pope began, had not beguiled many men.

152. When *Boniface* the ninth had begun this oppression: much money was thereby gathered from the Clergie throughout the Emperours Dominions: the money being thus collected, was deteined by the greedy Emperour *Wenceslaus* from the more greedy Popes. This turned the hearts of the Popes against him: therefore *Gregory* the ninth deposed him and set vp *Rupertus* Count Palatine of Rhene against him.

George King of Bohemia.

153. **A**fter the death of *Ladislaus* King of Bohemia, who died without issue, two great Kingdomes of Bohemia and Hungaria, with the Duchy of Austria being vacant: many Princes sought the Kingdome of Bohemia: *Charles* *Naucler*... King of Fraunce, whose daughter *Ladislaus* married, would haue placed one of his sonnes. *Casmire* King of Polonia hauing married a sister, sought it in her right: so did *Guiliam* Duke of Saxony, who married the elder sister of *Ladislaus*: *Sigismund* and *Albert* Dukes of Austria were in good hope: and *Frederick* the Emperour would haue had the administration of the King-

dome, because the homage due to the Empire had beene neglected. When the day of Election came, *Georgius Pogebraus* was chosen King, and afterward confirmed by *Fredericke* the Emperour; but *Paul* the second, finding that this *George* fauoured the Hufsites, or as *Platina* saith, daily withdrew himselfe from the body of Christianity (meaning from the obedience of the Pope) did excommunicate and depose him, setting vp *Mathias* King of Hungary against him. *Mathias* gaue the Bohemians a great ouerthrow in the yeare one thousand, foure hundred and seuentie: and with such mortall hatred was Pope *Paulus* set against this King, that he sent many Bishoppes to negotiate these warres, and to raise vp the Hungarians and Germans against him; and so farre preuailed, that he extinguished all the posterity and discent of *George*, and would, saith *Platina*, vtterly haue rooted out all the name and memory of the Hereticks, vlesse the Polonians had stayed *Mathias*. For the Polonians claimed the Kingdome of Bohemia as due to them: *Mathias* being already busied enough with the warres of the Turke, thought good not to draw new troubles vpon himselfe by prouoking the Polonians. Thus the Pope rested at that time contented with the blood of *George*, and his children, seeing the power of his malice could then proceed no further.

Platin. Paul. 2.

Pa'mer.

Platin. Paul. 2.

King Iohn of Nauarre.

154. **P**ope *Iulius* the second, the scourge of Christendome in his time, vsed the like courtesie to *Iohn* King of Nauarre; for when this Vicar of Christ *Iulius* raised warres against the French King, *Iohn* King of Nauarre held, as he had reason, with the French King, being a French-man by birth, and hauing the greatest part of his patrimony in Fraunce. *Ferdinand* King of Arragon then fauoured the Pope. This *Ferdinand* prepared warre against the French King; and to turne the mindes and speech of all men vpon the French warres from that purpose, which secretly hee intended, hee intreated *Henry* the eighth King of England, to send him an Army to helpe him in the warres of France. King *Henry* hauing married the daughter

ter of *Ferdinand*, sent him fixe thousand footmen: these came to the Frontiers of France, and there staid long for the army of *Ferdinand*: who for his better passage into Fraunce, required of *Iohn* King of Nauarre (through whose Dominions hee was to passe) that he would deliuer vp to his hands, three of the strongest Castles that he would demaund; the request as vniust was denied by the King of Nauarre: *Ferdinand* referreth the matter to the Pope. The Pope *Iulius* not regarding the iustice or iniustice of the cause, pronounceth the King of Nauarre a Schismaticke and Hereticke, for fauouring the French King: and therefore depriueth him of his kingdome, and giueth his right to *Ferdinand*. Who thereupon sent his army of a suddaine against the King of Nauarre, who fled into France. Thus was the kingdome of Nauarre surpris'd, and no title pretended sauing onely the Popes excommunication.

*Nebress. lib. 1.
cap. 3.*

The state of Venice.

155. **I**T were too long to recompt all the mischiefes and miseries, that the Popes Excommunications haue brought vpon Christendome; I haue collected the chiefe and most eminent, and will end this discourse with the memory of that affliction and desolation which the Pope brought vpon the Venetians. *Iulius* the second, following the steppes of his predecessours, brought an armie before Bononia, besieged the towne, and tooke it. The familie of the Bentiuoli he vtterly ruined, killing some, banishing other: When thus hee had ouerthrowne the Bentiuoli. Then he set himselfe in like sort, to root out the Venetian name: *Ad venets nominis excidium*, saith *Onuphrius*. The better to effect the malice against the Venetians, he drew *Maximilian* the Emperour, the French King, the King of Spaine, the Duke of Ferrara, and the Duke of Mantua into a league: when first himselfe had excommunicated and cursed them, hee set all these vpon them at once. The Pope made choice of a fit time to doe them the greatest hurt he could: for a little before this the state of Venice was brought so low, that a weake enimie might soone haue indangered

Onuphr. Iul. 2.

gered them; hauing had their whole army brought vnto Internecon at Abdua: after that ouerthrowen in a great battell, by *Lewes* the French King; their chiefe generals, *Liuius* taken prisoner; *Petilianus* put to flight. The Pope tooke the aduantage of this their weakenesse, and seeing them falling, labored to thrust them headlong, that they might neuer be able to rise againe. *Maximilian* tooke Verona, Vicetia, Padway, Carni; the French King surpris'd Bergamum, Brixia, Cremona, & Crema: the Spaniard wan Trarum, Monopolis, and Barletta in Apulia. The Popes share was Rauenna, Ariminum, & all Aemilia: The Duke of Ferrara got Rodigium: and the Duke of Mantua Asula. Thus was that noble state brought in manner to vtter ruine.


156. *Iulius* hauing thus satisfied his malice, and obtained his purpose in some measure against the Venetians, being ledde by a spirit that would giue him no rest, began to turne his furious wrath in like sort against *Maximilian*, contrary to his faith often promised, and confirmed in the publike assembly of the States. And so furious was this Vicar of Christ, that himselfe led the Army, vsing these words, as hee went out of Rome: that seeing Saint *Peters* keyes would not preuaile, hee would trie what Saint *Pauls* sword could doe: and so hee threw the keyes into Tiber.

157. And thus when the Princes of Christendome shall recompt their miseries, the spoile and desolation of their kingdomes, the ruine of auncient houses, the vexation of their subiects, the circumuention of their persons, the extirpation and extermination of many noble families, the bloody warre, and by reason of warres, all the troubles and calamities of Christendome: then must the Pope come to remembrance (with his excommunication as a firebrand in his hand, taken out of the infernall pit, and carried in the handes of these furies) who onely hath brought all these troubles vpon the Princes of the earth: so that since the time that hee began to exercise his excommunication against Princes, there hath not beene much warres in these westerne parts of Christendome; but such as the Pope himselfe hath raised, dashing one Prince against another; when

when first he had cast them into a deadly sleepe to make them insensible of the wrongs which hee hath done them: but when they are awaked out of their sleepe, they will remember all. For the Popes as the great conspiratours against the States of Princes, haue set Friars their resolute creatures to practise all secret treasons against the persons of Princes. And because this cannot be done without great bloodshed, they come resolu'd to shed blood like hungry wolues: so headlong are they carried herein, seeking a temporall Iurisdiction ouer Princes, secretly by the conspiracie of Friars, openly by their excommunications: that if the world should stand long, before the Pope with his Babylon be ouerthrowen, wee haue reason to thinke that the Popes will in time vtterly cast off and reiect the maske of religion, wherewith they couer their practises now, and will in plaine tearmes quarrell the Princes of Christendome, for their Temporall right and Iurisdiction. And then will the Princes thinke it is time for them to awake.

CHAP. VIII.

wherein is declared what opposition this Iurisdiction found in the Church, after it was thus established by Popes: It was confuted first by particular learned men: then by generall Councels.

I. fter that this Iurisdiction, thus deuised and maintained, began to bee well known in Christendome: men of learning and iudgement began to be moued with the noueltie, and examined the whole matter with care and industrie: the occasion which first moued them to examine this question, was the defence of this strange Iurisdiction: first claimed by the Popes, and afterward more fully disputed and maintained by *Augustinus Triumphus Anconitan*: who was set on worke vpon this taske by the Pope. For in the end of his booke

we finde this written : *Explicit Summa de potestate Ecclesiastica adita à fratre Augustino Triumpho Anconitano, in sacra Theologia magistro, ordinis Eremitarum sancti Augusti, iubente Iohanne 22. Pontifice M. An. Dom. 1320.* Where we find from what spirit this defence of this new Iurisdiction proceedeth, comming from the especiall direction of the Pope. This Friar proceedeth herein according to his direction, concluding all Iurisdiction both Spirituall and Temporall, to be from the Pope.

2. Which thing though it seemed straunge, newe, absurd: yet in truth *Triumphus* could no lesse then publish (for he laboureth not so much to prooue it, as to publish it) the Popes challenge hauing vndertaken the businesse. For the Popes before this had begunne to prescribe in their Canons so much, that their flatterers had their rules now prescribed to them, how farre they must stretch their consciences for the maintenance of Iurisdiction. For either they must maintaine all that the Popes had taken vpon them, or else giue ouer the cause as desperate. From this spirit and direction, *Triumphus* entreteth into this cause, as an hireling speaking for his fee: taking this ground, that the Pope is as directly lord of the whole world in *Temporalibus*: as hee is the head of the vniuersall Church in *Spiritualibus*; and that he hath directly Soueraigne authoritie in respect of such his worldly Dominion ouer all Emperours, Kings and Princes to dispose of them and their kingdomes. This opinion is now strongly maintained by the Iesuits, and hath beene of late by *Tho. Bozius*, *Francisc. Bozius*, *Card. Baronius*, *Zecchus Carerius*, and other. But because *Triumphus* is, as I take it, the first Friar that hath handled this question on the Popes behalfe; and the learned men that first wrote against the Popes Iurisdiction, haue beene mooued thereto by his writings, as also because the booke is rare to bee had: I will set downe some of his prooffesse positions; that the Reader may the better vnderstand what it is which they seeke, and what is that against which these learned men that I am hereafter to produce, doe oppose themselves.

Qu. I. art. I.

3. One position of *Triumphus* is this : *Potestas temporalis Imperatorum & regum est in ministerium data à Deo Pape & alijs Prælatiis*

Prelatis Ecclesia in quibus residet potestas spiritualis: which he pro-
ueth by such reasons, as need no other refutation, sauing only the
recitall thereof. For it was truely said of *Iustan Martyr*, that to
know and truely to vnderstand an absurd reason, is a sufficient
refutation thereof. His reason is: *illa potestas est data in mini-*
sterium alteri, per quam habet institui, regulari, ordinari atque con-
firmari si bona sit: & per quam habet iudicari si non bona sit: sed
talis est potestas secularium Imperatorum, regum, &c. Quia per
potestatem Papa habet institui, regulari, ordinari si bona sit, & per
ipsam habet condemnari & iudicari si mala sit. [That power is gi-
uen for seruice to another, by which it must be instituted, orde-
red and confirmed being good, and iudged being euill: but such
is the power of secular Emperours and Princes &c. For by the
Pope it must be instituted, ruled, and ordered being good, and
by him it must be condemned and iudged being euill.] All the
prooffe that he bringeth for this, is: that Pope *Zachary* depo-
sed the French King *Chilperic* and set vp *Pipin* in his place. An
other reason is this: *illa potestas est in ministerium data alteri, cui*
iuramentum fidelitatis prestat, & ab ea cognoscit esse omne quod
habet: sed omnis potestas secularium Principum, Imperatorum, &
aliorum est talis. Dist. 63. Can. cum tibi Domine. [That power
is giuen and subiected for seruice to another, to whom it yeeld-
eth an Oath of Alleageance, acknowledging all that it hath
from the same: but such is all the power of temporall Princes,
Emperours, and such like.] Againe he saith thus: *Si inuenia-*
tur quandoque aliquos Imperatores dedisse aliqua temporalia sum-
mis Pontificibus, sicut Constantinus dedit Siluestro: hoc non est intel-
ligendum, eos dare quod suum est, sed restituere quod iniuste & ty-
rannice ablatum est. [If sometimes we finde that some Empe-
rours haue giuen some temporalities to Popes, as *Constantine*
gave to *Siluester*: wee must not thinke that they gaue that
which was their owne, but onely restored that which vniustly
and tyrannically was taken from Popes.] These things are such
that in the iudgement of all men, that are not destitute of iudg-
ment, need no refutation. He saith also in the same place: *Po-*
testas omnis Imperatorum & regum est subdelegata respektu pote-
statis Papa. [All power of Emperours and Kings, is to them de-

ικανος εις
ελεγχον τῶ
αυτου αὐτῶ λόγῳ
αὐτος ὁ λόγος
νοουμενος Ἰη-
σὺν. ἐρωτησ.
πρὸς ἐλλήν.

Q. 4. Artic. 2.

legated by the Popes power.] This is the Jurisdiction which is sought, a temporall Jurisdiction ouer Princes : this doctrine was deuised onely to maintaine the practise of the Popes excommunication. And as this new and strange doctrine was found out for the defence of that new and strange practise, so the manner of the defence is no lesse strange : for he declareth that this Jurisdiction for which he pleadeth so much, is not in the Pope as he is a Priest or Bishoppe, but as he is a Prince. It followeth then in his confession that this Jurisdiction is proper to Princes, and not to Priests. For thus he saith : *Papatus est nomen. Iurisdictionis. & non ordinis.* That is [The Papacy is a name of Jurisdiction, and not of Order.] And againe, *Potest. Papa habere omnem potestatem pertinentem ad Papam, & tamen carere potestate ordinis.* That is [The Pope may haue all Jurisdiction belonging to the Pope, and yet be no Priest.] This new doctrine teacheth great wonders : that the Pope may haue all Jurisdiction, and bee no Priest. The Iesuites and our owne Popish Countreymen crye out against vs, for giuing Jurisdiction to such as are no Priests, but onely temporall Princes. It will be hard for them to accuse vs, and defend their owne Doctors.

4. Because this manner of maintaining the Popes Jurisdiction is grosse to set him aboue temporall Princes in temporall Jurisdiction, therefore diuers since this time haue sought to mollifie this harsh manner of speech, by a distinction which they haue found out of late, betweene Power direct ouer Princes and indirect : These men say that the Pope hath power to depose Princes, not directly, but indirectly, in respect of some spirituall good. But when they come to the application of this distinction, it appeareth nothing but a Mist to dazzle the eyes of men, wherein there is no simplicity or truth. *Bellarmino* is one of those that admitteth this Distinction, vpon which Distinction graunted by *Cardinall Bellarmine*, Master *Blackwel* thinketh he hath a good ground for taking the Oath of Allegiance. And when *Bellarmino* reproveth him for that, he answereth him by his owne Distinction : a reasonable answer; and yet such is the Mist of this Distinction, that you can hardly tell whether of these two speaketh more cunningly. For *Bellarmino*

larmine saith, that the Pope hath power to depose Princes not directly, but in respect of some spirituall good: but when Master *Blackwell* saith, that in his particular case the spirituall good of Catholices was respected. This *Bellarmino* will denie: for he will say that no priuate man must be iudge of this spirituall good, but onely the Pope. Now let the Pope bee Iudge, and then this Distinction is as good as nothing: for whensoever the Pope deposeth a Prince, or dischargeth his subiects from their Oath of Alleageance, he will iudge it to be for some spirituall good. So that in this vnderstanding, and sense of *Bellarmino* there is no reall difference betweene direct power and indirect.

In ordine ad spirituale bonum. l. 5. c. 6. de Rom. Pont.

5. In like sort when Master *Blackwell* saith, the Pope hath power to depose Princes indirectly, or in respect of some spirituall good, and iudgeth the taking of the Oath of Alleageance to respect a spirituall good end, giuing this reason: because the refusal of this Oth wold bring vpon vs the ruines of Catholicke families & the lamentable extirpation of the whole Catholicke estate among vs: We say the case of this man, and of those that depend vpon him, is much better then the case of them that refuse the Oath: but yet to drawe them a little further into the loue of obedience, let vs note the imperfection of his defence. We commend his action, and speake here onely of his manner of defending it; for the reason that draweth him to obedience, and to take this Oath, is not a conscience of that commaundement of God, which commaundeth obedience to Magistrates: but the danger of Catholices, and of himselfe; which proueth an indirect obedience. So that in pleading for a verball distinction of power, direct or indirect, they descry a reall distinction of obedience direct or indirect. Now there is not much difference betweene these three opinions of them that holde the Popes direct power, and his indirect power, and that say his power is to respect the present danger of the Catholices. For whatsoeuer *Triumphus* bringeth vnder his direct power, that Cardinall *Bellarmino* will reduce vnder indirect power: so that though they differ in the manner how this power commeth to the Pope, directly or indirectly, yet they both are agreed that

Examination
of M. George
Blackwell. Epist
to *Bellarmino*.

the Pope hath this power; and this is also Master *Blackwells* judgement. For remooue the danger of his Catholickes, and then he hath nothing to say against this power of the Pope, so that the question is not how he hath it, but whether he hath this power or not? Vnto which question all Romane Catholickes answer affirmatiuely, and we negatiuely.

6. Thus did those learned men conceiue the question that first began to handle it: these later distinctions came in by such as would hide themselves in a miste, and seeme to say something when they say nothing. Now let vs declare the iudgement of those men that first came to the handling of this question of the Popes power, after that it was fully made known to the world, by the Popes decrees, and the writings of *Augustinus Triumphus*. The first occasion that set men on worke vpon the studie of this question, was partly, as I haue said, the writings of *Triumphus*; but this occasion was notoriously promoted by the vniust vexations which the Popes offered to *Lodouicke* Duke of Bauare Emperour, in prosecuting of their pretended Iurisdiction ouer Kings and Emperours. This Emperour being persecuted by the Popes, as before wee haue declared, was desirous to know the iudgements of the best learned men that then liued in the world; who with industry did search out, and by learning did ouerthrowe this new sophisticate Iurisdiction: giuing to Emperours and Kings their auncient right. The chiefe of them who then wrote against the Popes Iurisdiction was *Marsilius Patavinus*, and *Gusielmus Occam*. Of these and of some other that in one part or other haue confuted this Iurisdiction of Popes, I am now to speake in order.

§. II.

*Observations out of the writings of Marsilius Pat.
against the Popes Iurisdiction.*

7. **M***arsilius* about the yeere of Christ, one thousand three hundred twentie and foure, set out that booke which

which he intituleth, *Defensor pacis*, wherein hee shaketh the rotten and ruinous reasons of such as maintained this Iurisdiction: because the booke is written with great learning and iudgement, I will record heere some obseruations of his: for it seemeth that he had a purpose to refute that former worke of *Triumphus*, though the truth is, hee nameth not *Triumphus* throughout all his booke: concerning this point of Iurisdiction, one especiall ground which hee layeth, is this. *Ab officio principatus sine contentiosa iurisdictionis, regiminis, seu coacti iudicij cum subet in hoc saculo, Christus seipsum & Apostolos exclusit, & excludere voluit.* That is, [Christ hath excluded, and purposed to exclude himselfe and his Apostles from principallitie, or contentious iurisdiction, or regiment or any coactive iudgment in this world.] Which thing he proueth at large, both by Scriptures & Fathers: because Christ saith, his kingdome is not of this world; by which words coactive Iurisdiction is excluded: as was the doctrine of Christ, such was his example of obedience: for he was alwayes subiect to the coactive power of the Magistrate. Thus by the sound and cleere Scriptures, with the expositions and iudgement of the ancient Fathers, he refuteth that noueltie which had no other ground then the Popes decretals.

8. Therefore he examineth the authority of the Popes decretals, and giueth a learned and iudicious distinction, declaring thereby how the Pope may bee obeyed or not obeyed, commaunding against the Emperour: for saith he, if the Emperour commaund any thing against the law of God, and the Pope commaund things agreeable to that law: thou must out of doubt obey the Pope, and not the Emperour. But if the Emperour commaund something according to his imperial law & the Pope commaund something according to his decretals against the imperiall lawes: no man subiect to the Emperour, ought in such things to obey the Pope. Which thing he proueth at large, because the ciuill Magistrate beareth the sword; because he is the Minister of God, the reuenger of disobedience: because euery soule is subiect to him. Which things saith hee, are not spoken of any spiritual Gouvernour but of the Temporall Magistrate. For the Gouvernours to whom in coactive Iurisdiction

tion we must obey, are such as by armed power defend their Countries and people, which in no case can agree to a Bishop or Priest.

Part. 2. cap. 5.

9. By such reasons he proceedeth, and proueth infallibly his purpose, and conclusion that no spirituall Governour hath from Christ any Jurisdiction coactive; but this power is left wholly in the hands of the ciuill Magistrate. And thus doth cut in sunder the sinewes of their disputations, who plead for the Popes Jurisdiction: which Jurisdiction they make to consist in power coactive. Of the Popes decretals (which then were lately deuiſed Lawes against the auncient Jurisdiction of the Church, as also against the Jurisdiction of Princes) he saith: *Vi ipsi fabulantur in suis decretalibus, quas secundum veritatem nihil aliud sunt, quam ordinationes quedam Oligarchicae, quibus in nullo obedire tenemur Christi fideles, in quantum huiusmodi.* That is, [As they bable in their decretals, which in truth are nothing but certaine Oligarchicall ordinations, to which Christians are in no case bound to obey, as they proceed from the Pope.] Wherein he deliuereth thus much, that these Canon lawes or decretals, ought to haue no force among Christians, vnlesse they be confirmed by the lawes of the land, and by Princes in their Dominions: so many as Princes shall thinke fit for the gouernment of the Church in their proper Dominions, may be established, & being established ought to be obeyed, but not as the Popes laws vse, but as the laws of those Princes: for that is it which *Marsilius* saith, the decretals are not to be obeyed, *in quantum huiusmodi.* Now that all coactive power is by God deliuered to the Temporall Magistrate, hee prooueth solidly from these words; he is the Minister of God to take vengeance: by vengeance all coactive power is vnderstood. Neither doth he denie but that the Church gouernours may execute coactive power: but then they must haue it from Princes, and from such Temporall powers which haue the same. Which being expressly and distinctly written by him three hundred yeres agoe, is no other thing then that which we now maintaine: at which our aduersaries seeme to wonder, as at some new doctrine neuer heard before; when the same truth, after the same manner hath

Rom. 13. 4.

beene maintained by the learned men that haue handled this question before vs. *Nec in quinquam presbyterum* (saith he) *aut non presbyterum conuenit coactinam in hoc seculo Iurisdictionem habere, quinquam Episcopum, siue Papam, nisi eadem sibi per humanum legislatorem concessa fuerit, in cuius potestate semper est hanc ab ipsis reuocare.* That is, [No man, Priest or not Priest, can haue Iurisdiction coactive in this world, Bishop or Pope: vnlesse it be granted to them by the humane law-maker, in whose power it is at his pleasure to recall it from them.] *Part. 2. cap. 5.*

10. Concerning the right of calling Councells, his determination is this: If a cause of religion rise in question, the Pope, saith he, may signifie the same to the chiefe Temporall Gouerour: but the authority of gathering and calling the Councell, belongeth to him that hath coactive Iurisdiction; and ought to bee gathered by his coactive precept. When it is gathered, he leaueth the first and chiefe seat therein to the Bishop of Rome: hee giueth him the honour to propose the matter; to collect all together that is spoken: to communicate the things determined to others; and to excommunicate the transgressors. And all this to doe, not at his owne pleasure, or vpon his owne head; *sed ex concilij sententia*: onely by the direction of the Councell. This principality he yeeldeth to the Bishop of Rome, and to that Church, so long as thus it standeth, and so long as it doth nothing to the contrary whereby this honour may be iustly withdrawen. *Secundum quem modum* (saith hee) *Romana urbis quamdiu extiterit, obicemq; ad hoc non apposuerit populus ille &c. poterit licet ac debet iam dicta principalitas in Episcopo & Ecclesia continue reservari.* That is, [According to which maner this principality may lawfully and ought to be reserved alwayes, for that Bishop and that Church as long as it thus standeth, and doth nothing to the contrary. This honour (if the Pope would haue held himselfe contented therewith) might long time enough beene reserved vnto him. But when this could not content him, but he must haue all Iurisdiction ouer the Church, and ouer secular Princes: if he finde not that honour yeelded to him which hee expecteth, he may thanke himselfe; because he hath procured his owne contempt, and by

Part. 2. cap. 22.

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usurpation of vndue honour, he hath lost that, which though it was not due to him, yet from some custome was giuen, & might haue beene continued to this day, if himselfe had not caused the Church to withdraw it: For (saith mine Author,) *Lites circa initium Ecclesie, reliqui Episcopi & Ecclesie fidelium neq; diuina neq; humana lege aliqua obligarentur obedire mandatis aut institutis Ecclesie vel Episcopi Romanorum, plusquam è conuerso: inualescente tamen hac vili & rationabili consuetudine, qua fideles in unitate amplius seruabuntur, eo quod tunc fideles caruerunt legeslature ipsos in ordine reducente, ac in unitate seruante, &c.* That is, [Albeit about the beginning of the Church, other Bishops and Churches of beleeuers were not bound by any diuine or humane law, to obey the mandates of the Church or Bishop of Rome, rather then the contrary: yet this profitable and reasonable custome preuailing, by which beleeuers were better kept in vnitie, because they wanted then a Christian Magistrate to reduce them to order and preserue them in vnitie: therefore they were afterward bound, as by a diuine law to this obedience, in things honest and lawfull.]

II. But because the Popes and their flatterers did couer all their practises with *plenitudo preestatis*, as with a mist: therefore he doth with great light of learning and truth, dispell that mist: This saith he is, *Locus Sophisticus, unde etiã paralogismus, quo reges & principantes ac singulos coactiua sibi Iurisdictione subiectos zinzuntur concludere traxit originem.* That is, [This is a Sophisme, whence that Paralogisme drew his beginning, by which they strue to draw Kings and Princes, and all other vnder their subiection by coactive Iurisdiction.] And therefore it he belaboreth exactly and at full to open this fallacion of fulnesse of power: the summe whereof is this. By a pretended fulnesse of power the Pope without ground or reason, onely led thereto by pride and ambition, intruded vpon the right of Iesus Christ, and vpon the right of the Church, and vpon the right of Temporall Princes, wresting all authority to himselfe, & this he calleth fulnesse of power. For if by fulnesse of power be vnderstood that power wherby all men and all creatures are commanded and directed to what end the commaunder will: this power is giuen only

onely to Iesus Christ, and to no other man : according to that Scripture ; all power is giuen vnto me in heauen and in earth. *Mat. 28. 18.* But if by fulnesse of power, be vnderstood power to preach, to excommunicate, to binde, to loose, to interpret Scripture, to determine controuersies ; this power is in the Church : partly in Bishops, partly in doctors, partly in Councils, and not more in the Pope then in another Bishop. Last of all, if by this fulnesse of power be vnderstood Soueraigne Jurisdiction coactive, then it is in Temporall Priinces. *Marsilius* maketh moe parts hereof ; but I draw him summarily, and presume that to these three heads all that he saith may be reduced.

12. And therefore whereas the Pope claimeth such a power, intruding vpon the right of each of these, he saith : *Ex una presumptione in aliam transit Romanus Pontifex.* That is, [The Pope hath from one presumption passed into another. The same Author declareth how the Popes proceeded in these their inroachings vpon Jurisdiction. First, saith he, they made some constitutions to gouerne the Clergie : then they proceeded by way of exhortation & intreaty, to perswade the laitie to keepe fastes, & to abstaine from meats. When they saw that laymen did willingly receiue such obseruations, thē they proceeded to ordaine the same things as laws, & to denounce excōmunicatiō against the transgressours thereof. And all this was done, saith he, *Sub pietatis & diuini cultus specie.* That is, [Vnder a shewe of godlinesse, and the worship of God.] The same Author addeth, *Crescente autem consequenter ipsis appetitu amplius dominandi, attendentibus deuotos fidelium huiusmodi verbis terri propter ignamiam & diuini cultus imperium. qui ad ea quæ per sacerdotes indicebantur, obligari credebant metu damnationis eterne ; præsumpserunt vltius Episcopi Romani, cum suo clericorum cœtu, oligarchica quadam edicta circa ciuiles actus statuere, &c.* That is, [But as the appetite of ruling, farther continually increased in them, when they sawe that deuote Christians were kept in feare with such proceedings, through slothfulnesse and ignorance of Gods worship : which (Christians ignorant) thought themselues bound vnder the paine of eternall damnation, to all that was inioyned them of the Priests : then the Bishops of

Part. 2. cap. 23.

Ibid.

Ibid.

Rome with their Clergie presuming further made certaine Oligarchicall Edicts concerning ciuill actions. Thus saith hee, the Bishoppe of Rome began first to practise exemptions. And that hee might draw a number of the Laiety into the loue of those practises, he extended these exemptions to diuers companies of Lay persons, and so defrauded the Magistrate of due honour and obedience, and brought in that confusion whereof the same Authour complaineth thus: *Hac est pestilentia Italici regni radix & origo, ex qua cuncta scandala germinauerunt proueniunt &c. Quae stante, nunquam ciuiles ibidem cessabunt discordiae, potestatem enim hanc ad quam paulatim & latenti prauaricatione subintravit ex consuetudine aut abusione uerius, dudum detinuit Rom. Episcopus, eandem sibi per principem reuocari formidans, & merito propter commissos excessus: creationem atque promotionem Rom. Principis omni maligna sollicitudine uetat.* That is [This is the roote and fountaine of the pestilence which troubleth the Empire, from whence all scandals growe and proceede, and which standing, ciuill discords shall neuer cease in Italy, for the Pope fearing that this power may be reuoked by the Emperor, and that deseruedly for the excesse committed therein: into which power he hath by little and little stolne by secret prauarication of custome, or to say more truely, of abuse, hauing holden it some while: he hindreth the creation and promotion of the Emperor by all malice and spite.] Whereupon, saith he, some Popes haue broken out into such impudency, as in their Decretals is to be seene, that they auouch that the Emperor is bound to them in an Oath of Alleageance, as if the Emperour were vnder them subiected by coactive Iurisdiction.

13. Then *Marsilius* hath discovered the reason why the Popes haue so much opposed themselues against the Emperors, to be, because they were affraid least the Emperours should call them to a reckoning for their Exemptions, for the abuse of their excommunications, for intruding themselues into the office of the ciuill Magistrate, and taking a newe authority vpon themselues from themselues without warrant of the Emperour. This is that thing which caused them to stirre so much against Emperours, and at last to procure the decay of the Empire so much,

much, as at this day they haue made it so weake, that now they are out of the feare thereof. Other things for breuities sake I omit: this is sufficient to vnderstand what reason learned men had then to withstand the Popes Iurisdiction. This booke of *Marsilius* was neuer answered, and hereafter is not like to be. But *Iohn* the two and twentieth, against whom this booke was intended, did in stead of aunswering, condemne this worthy Writer: which thing was much more easie for him to doe.

§. II.

William Occham and Michael Cezena.

14. **B**V T the truth could not be suppressed thus. For other learned men deuoted to the seruice of the truth, entred into a further search of this Iurisdiction, among whom *Michael Cezena* and *William Occham* were famous. The occasion which stirred them vp to make search of this point, was this: *Michael Cezena* Generall of the Order of the Minorites refuted three Constitutions of Pope *Iohn* the two and twentieth; *Ad conditorem Canonum: Cum inter: &, Quia quorundam*. These hee refuted and sent his bookes abroad against these Constitutions; whereupon *Iohn* the two and twentieth depriued him, and disabled him from taking any other dignity. But *Michael* appealed from the Pope.

15. Here arose the question, whether a Christian might appeale from the Pope. *William Occham* once a worthy fellow of Merton Colledg in Oxford, vndertooke this question, & disputeth it thoroughly, in that booke which he intituleth *Opus nonaginta dierum*. He concludeth that a man may and might appeale from the Pope, and that a Councell is aboue the Pope. And saith, that many moe learned men wrote diuers bookes at that time, for confirmation of the same truth, wherein they alleadge strong reasons to proue their purpose, and answered all doubts. *De ista materia* (saith he) *plures libri prolixius sunt editi, in quibus predicti impugnatores motiua adducunt quam plurima, obiectiones refellunt, & qua possunt oriri dubia, declarare nituntur.* That is [Of this

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this matter many long bookes set forth, wherein these foresaid Disputers,alledge many reasons,refute obiections,and seeke to cleare all doubts that can rise.] Of the Pope he saith thus: *Iohannes 22.conscius errorum suorum ad iudicium generalis concilij venire recusat.* That is [Pope *Iohn* the two and twentieth, his owne conscience accusing himselfe of his errors, refuseth to come to the iudgement of a Generall Council.] Thus the Pope hath euer bin affraid of a General Councell,since the time that first he vsurped Iurisdiction. The same Author confuteth the Constitutions of *Iohn* the two and twentieth,first by Scriptures, then by Canons of Councils, and testimonies of holy Fathers, and last of al by the determination of the Church of Rome.And for this question of Iurisdiction, because the Popes then began to chalenge temporall Iurisdiction ouer Princes, his assertion is; *Beatus Petrus non fuit vicarius Christi, quantum ad officium regni temporalis,nec in temporalibus quibuscunque.* That is [S. *Peter* was not Christs Vicar in respect of a temporall Kingdome, nor in respect of any temporalities whatsoeuer.] Which Assertion he proueth thus: If it were so that S. *Peter* were Christs Vicar in temporall Dominion, then should S. *Peter* haue Iurisdiction ouer Emperours and Kings: but this the Popes themselves denie,for Pope *Nicholas* saith thus: *Quam ad verum ventum est,nec Imperator iura sibi Pontificatus, &c.* That is: When we come to know the truth, neither hath the Emperour taken vpon him the right of the Pope,nor the Pope vsurped the title of the Emperour, for one Mediator of God and man Iesus Christ hath distinguished the Offices of both these powers by their proper actions and distinct dignities. *Ex his* (saith *Ocham*) *datur intelligi quod Rom. Pontifex ex successionem Petri non habet Iurisdictionem temporalem super Imperatorem.* That is, [Hence we may vnderstand,that the Pope by succeeding *Peter* hath no temporall Iurisdiction ouer the Emperour.

16. Against this determination he moueth some obiections or rather taketh the reasons of *Augustinus Triumphus*, and maketh them his obiections,though he suppress the name of *7 triumphus*. The obiections are these: First, The Pope deposeth Kings, *15.qu.6.cap.alius*. Secondly, The Pope translated the Empire,

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cum ad verum

Empire, *Extra. de Elect. cap. venerabilem*. Thirdly, The Emperour taketh an Oath of Alleageance. These are the reasons of *Augustin Triumphus*, whereunto he aunswereth thus. To the first he saith : *Ratione criminis habet spiritualem Iurisdictionem, non temporalem*. That is [In respect of some fault hee hath spirituall Iurisdiction, but not temporall.] Then all the Iurisdiction which the Pope or any other Bishoppe hath, is onely spirituall in his opinion, in respect of sinne which may be censured by spirituall censures. But a power to depose Kings includeth temporall Iurisdiction. To the second he saith : The Pope translated the Empire : *Non in quantum successor Petri, sed authoritate Romanorum qui sibi potestatem huiusmodi concesserant* : That is [Not as the successour of *Peter*, but by the authority of the Romanes, who graunted him that power.] To the third he saith ; the Emperour that first tooke an Oath of Alleageance, did it from deuotion and humility, and therefore afterward refused it. *Marsilius* answereth to this last obiection somewhat otherwise, for he vtterly reiecteth the testimony of that Canon, that witnesseth that the Emperour tooke an Oath of Alleageance. *In tantum vero ipsorum quidam pruripit audaciam* (saith *Marsil.*) *ut in suis edictis expresse*rit, *Romanum Principem sibi iuramento fidelitatis astringit* tanquam coactiua Iurisdictione subiectum, *ut ex suarum narrationum quas decretales appellant derisibili & contempto prorsus inuolucro* * *septimo de Sent. & re iudicata palam se inspicere exhibet*. That is [One of them (to wit *Clement* the fift) hath broken out in such impudency in his Edicts, that he affirmeth the Emperour is bound to him by an Oath of Alleageance, as subiect to him in coactiue Iurisdiction, as is openly to be seen in 2. *de Sent. & re iudic.* out of that ridiculous and most contemptible collection of their Narrations, which they call Decretals.]

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* Septimo de Sent. & c. lege secund. de Sent.

17. But to returne to *William Occham* and *Michael Cozens* in whose cause *Occham* was engaged : *Michael* was deposed by *John* the two and twentieth, in Iune in the yeare of Christ, one thousand three hundred twentie and eight. in his behalfe letters were directed to the Chapter of the Minorites, assembled in *Parpinian* and *Auinion* in the yeare one thousand three hundred

This Narration is written by *Occham*, &c. extant in his workes.

dred thirty and one. These letters were subscribed by *Henricus de Chalchem*, *Franciscus de Esculo*, and *Guilielmus de Occham*: not onely these men fauoured his cause, but those two famous Vniuersities Oxford and Paris did approue the same. Whereupon *Michael* being arrested by the Pope did appeale from the Pope. Consider the nature of his appeale: for it openeth the sense and iudgement of learned men then liuing, being approued by the greatest learned men then liuing; and by all the learned men of that order in England and in Paris, for so it is said there. *Que determinatio fuit etiam ab omnibus Magistris & baccalarijs in sacra pagina de Parisijs & de Anglia dicti ordinis approbata, & Vniuersis Christi fidelibus destinata.* That is [Which determination was also approued of all the Masters and Bachelours in Diuinity of the said order of Paris and England, and directed to all Christians:] I will set downe the forme of his appeale as in the same place I finde it expressed, and thus it is: *Habito prius magno & maturo consilio, ab ipso Domino Iohanne, & à dicta eius assertione, & arrestatione infra tempus Legitimum in eo nomine, & omnium fratrum mihi adhaerentium Volentium, ac dicti ordinis secundum quod tradunt Canonica sanctiones, ad sanctam Romanam Ecclesiam Catholicam & Apostolicam appello.* That is, [After great and mature deliberation first had, I appeale from the same Pope *Iohn*, and from his said assertion, and arrest, within lawfull time for my selfe, and for all my brethren that do adhaere or will hereafter adhaere to me, and for the said Order according as the Canonickall Constitutions doe allow, vnto the holy Romane Catholicke and Apostolicke Church.] In which place he professeth that he doth this by the example of diuers other who had done the like before.

18. From whence I would obserue some things declaring the sense, iudgement and religion of the men that then liued. And first where he saith, that he doth this by great and mature deliberation, and that herein he hath the approbation of diuers learned men, of diuers Vniuersities, and that hee doth it by the examples of such as were before him: we note that this is not the iudgement of one man, but of the most famous learned men of this age. For farther confirmation hereof, we obserue also that

Littera recitatorie gestorum fratris Michaelis Cezene, inter opera Guilielmi Occham.

that *Naucler* speaking of this particular, and of the cause of *Lo-dowicke* Emperour, saith, that many learned and godly men of *Christendome* held that Pope *Iohn* the two and twentieth was an Hereticke, conuict of assured errors. *Iohannem Papam*, saith he, *magni & multi theologi scientia & vita probati dogmatizabant esse hereticum, propter certos errores*. And speaking of the learned men that wrote against the same Pope, he nameth *Dantes* and *Occham* among other. This agreeth with that which *Oecchā* witnesseth of this Pope, that his own conscience accusing himselfe of his errors, he durst not come to the iudgement of a generall Councell. Then I note not here onely the iudgement of these learned men, but the sense and iudgement of *Christendome*, of a generall Councell, of the Church of Rome. For *Cezena* and *Occham* (who was combined with *Cezena* in this cause) would neuer haue appealed to the Church of Rome, or to a generall Councell then representing that Church, vnlesse they had been fully secured herein, that the Church to which they appealed had condemned the errors of the Pope from whom they appealed. They then knowing the sense and iudgement of that Church, appealed from the Pope to it: which thing is further also confirmed by that which he saith in his appeale, *Secundum quod tradunt Canonice sanctiones*: as the Canonically Constitutions deliuer: then the Canons of the Church allow and approoue such an appeale, howsoever since this time the Popes haue altered the Canons and discipline of the Church, yet then this discipline was in force, and acknowledged through *Christendome*, that the Pope might be censured in a generall Councell.

19. Another thing which we obserue in this appeale, is a remarkable distinction famously obserued in the sense, iudgement and religion of the men of this age betweene the Church of Rome and the Court of Rome. For *Cezena* after that hee hath appealed from the Pope to the Church of Rome, complaineth much of the Court of Rome, as being wholly gouerned by the Pope: from whence he appealing to the Church of Rome, declareth euidently that by the Church of Rome, he vnderstood another thing, then that which our aduersaries now cal by that

name, an assembly whereof the Pope is the heade, which are wholly to be guided, gouerned and directed by the Pope. This is now commonly called the Church of Rome: but at this time wherein *Cezena* liued, the Church of Rome was vnderstood to be a free, lawfull, holy generall Councell assembled of the Churches of these Westerne parts of Christendome. This is the Church of Rome which our forefathers haue so much honoured. The sentence of this Church they reuerence, the authority of this Church they acknowledge, appealing from the Popes sentence as vniust, reiecting his authority as vnlawfull, still resting in the iudgement of the Church of Rome. This declareth that the Pope may bee separated from the Church of Rome, though not from the Court of Rome. Now separate once the Pope from the Church of Rome, as by these appeales it must so be vnderstood, and then it followeth by infallible inference, that the Church of Rome (as now it is commonly knowne by that name) is no other thing then that which these learned men called the Court of Rome: and that this present Church of Rome is not that which our fathers called the Church of Rome. It is not the same thing: for from that Church of Rome the Pope might be separated, from this he cannot. From the Pope to that Church a Christian might appeale, which sentence was iustified by the most learned that then liued: From the Pope to this Church there is no appeale. Thus much I obserue from this appeale, and from the appeale of *Lodouicke* the fourth Emperour, which before we haue declared, being to the same end, and agreeing in the same forme with this, being from the Pope to a generall Councell, which also he calleth the holy Church of Rome. In which same manner did *Philip* King of Fraunce appeale from Pope *Boniface*, besides diuers other who vsed the same course, as *Michael Cezena* witnesseth.

20. Hence riseth this Corollary, that the reformed Churches haue made no separation from the Church of Rome, but onely from the Court of Rome: And that the Pope and his Court, that is Friars and Canonists who depend wholly vpon him, terming themselves now the Church of Rome, haue made the separation, and haue altered the auncient bounds of the Church, and plucked

plucked vp the old hedge which was the partition between the Church and Court of Rome. Thus they reteyning onely the name, haue chaunged all things and turned them vpside down. So that albeit that which I shall say, may seeme a strange Paradox, yet it is a truth which will euery day bee more and more knowne and confessed. The auncient Church of Rome, yea euen that Church of Rome which stood in the world before the Councell of Trent, can now bee found no where in the world but among Protestants. *Marsilius Pat.* obserued the beginning of this alteration, thus: *Apud Modernos Ecclesia nomen importat ministros Presbyteros Episcopos. &c. Quemadmodum Ecclesia Rom. urbis hoc dudum obtinuit, cuius ministri & presidentes sunt Papa Romanus & Cardinales ipsius, qui iam ex usu quodam obtinuerunt dici Ecclesia.* [The Church importeth as much as Ministers, Priests, Bishoppes in late vse, &c. as the Church of the Citie of Rome hath now obtained this name, whose Ministers and Gouvernours are the Pope and his Cardinals, who now from a certaine vse are called the Church.] But that vse was but late brought in, especially by Friars: for the auncient vse of this, which was also long continued among many, and the best in the Church of Rome, he declareth to be thus: *Secundum aliam significationem dicitur hoc nomen Ecclesia, & omnium verissime & propriissime secundum primam impositionem huius nominis, &c. de Vniuersitate fidelium credentium & inuocantium nomen Christi.* [But according to another signification, and that most truely and properly, & answering to the first imposition of this name: the Church is called the Vniuersall company of all faithfull beleeuers which call vpon the name of Christ.] Then the Church of Rome, as the Pope is the Gouvernour thereof, was obserued to be but a particular Church, and not the Catholicke Church which containeth all Beleeuers.

Paradox.

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21. *Occham* hath also written another Booke, Intituled. *Super potestate summi Pontificis octo questionum decisiones.* From whence I will obserue some things concerning our question of Iurisdiction: disputing of that which the Friars and flatterers of Popes called *Plenitudinem potestatis*: he handleth it so, that in the conclusion, he putteth the Pope downe as low, as the flat-

Quest. 3. cap. 5.

terers extolled him vp on high: For thus he saith. *Principatus optimo repugnare videtur, quod principans illam habeat plenitudinem potestatis &c. Nam omnes subditi habenti talem plenitudinem sunt serui secundum strictissimam significationem vocabuli, serui.* That is, [It seemeth to be vtterly against the nature of the best Government, that the Governour should haue this fulnes of power, &c. For all that are subiects to him that hath such fulnesse, are his slaues according to the most strict vnderstanding of a bondslaue.] And because the Pope then began to flatter himselfe strangely, and to swell with those words of pride: that he was to iudge all men, but no man might iudge him; no man might accuse him: *Occham* represseth this swelling vanitie thus. *Papa potest ab homine accusari, destitui, & deponi: omnis enim accusatio est coram iudice facienda. Nec de hoc debet Papa perturbari, ne contra doctrinam Christi Apostolis profecto & pro prelati Ecclesie traditam velut tanquam sal insatuatum mitti foras & ab omnibus conculcari, ne contra preceptum eiusdem velit pro salute eius corporis mystici ut membrum putridum amputari, ne desideret ipse potestatem qua se ex charitate correptum quamuis etiam Ecclesiam non audiret, tanquam Ethnicus & publicanus non sinat se ut carnes putridas resecari, & ut ouem scabiosam repellendam a stabulis, & expurgandum ut fermentum quod totam massam corrumpit: sed velit ut sibi parcat, ut vniuersa Ecclesia ad meritum perducatur. Quæ omnia a desiderio Papæ qui animam suam tenetur pro subditiis ponere, conuenit exulari.* That is, [The Pope may be accused, forsaken, deposed by a man: for all accusation must be before the iudge. Neither must this thing trouble the Pope, otherwise he might seeme to make himselfe vnprofitable salt, good for nothing but to be trod vnderfoot against the doctrine of Christ deliuered to his Apostles for themselves, and for the Prelates of the Church: and against the commaundement of Christ, to be cut-off like a rotten member, for the preservation of his mysticall body. And so he might seeme to desire such a power, by which being reprooued in charitie, albeit like an heathen and Publican he should not heare the Church, yet he would not suffer himselfe to be cut of like dead flesh, and like a scabbed sheepe to be driuen from the folds, and to be purged like leauen that corrupteth the whole lumpe. But

Quest. 3. cap. 6.

he

he should by this seeke that for sparing him, the whole Church might be brought to ruine. All which ought to be farre from the Pope, who ought to giue his life for his flocke.] Then this man foresaw, and in some sort foretold all that mischiefe which fell vpon the Church by the Popes claime of this strange Iurisdiction: which Iurisdiction, if once it should be obtained by the Pope; then hath *Occham* plainly foretolde, that which since this time by too great experience we haue found, that the Pope would hereby prooue vsfauery salt good for nothing but to be troden vnderfoot of men; a rotten member cut off from the body of the true Church: as rotten flesh to be cut off for the preseruatiō of the whole, as a scabbed sheepe to be kept from the fold, as old leauen to be purged from corrupting and infecting the whole lump. And that for sparing him the vniuersall Church must be brought to desolation and overthrow. All this *William Occham* foresaw, all this we haue found by lamentable experience too true: and all this followed vpon his intrusion into this Iurisdiction.

22. Through this booke *William Occham* was driuen to carry himselfe cunningly for feare of the Popes greatnesse, mouing many questions and doubts, and reasoning after the manner of the schooles on both sides, making no professed determination or conclusion: but he leaueth such strength of reason on the one side, and taketh away all obiections on the other side, that any man may inferre the conclusion, and vnderstand the reason why himselfe did not conclude. For thus he saith in the end of that booke. *Hac breuiter conferendo, allegando, & disputando sunt dicta; non ut certa veritas in dubium reuocetur, sed ut aliqua habeatur occasio, &c. Quid autem sentiam de predictis, non expressi, quia hoc (ut puto) veritati non prodesset.* That is, [These things haue we said, by conferring, alleading, disputing; not that a known truth should be called into question, but to giue an occasion, &c. I haue not declared what mine opinion is of these things; because (as I take it) that would not helpe the truth.] Another booke *William Occham* intituleth, *Dialogus*: from whence I will cite onely one Sillogisme, contained in few words, but so strongly and soundly collected, that it may make an end of all this controuersie: his words are these. *Papa non*

Lib. 3. tract. 2.
cap. 33.

est magis exemptus à Jurisdictione imperatoris & aliorū seculariū indicum quam fuerat Christus & Apostoli: sed Christus & Apostoli fuerunt ab imperatore quantū ad Jurisdictionē coactiuam iudicari.

That is, [The Pope is no more exempt from the Jurisdiction of the Emperors, & other secular iudges then Christ & his Apostles were: but Christ & his Apostles were iudged by the Emperor, in respect of coactive Jurisdiction: therefore so the Pope ought to be iudged.] This Syllogisme to this day was neuer answered: In respect of which sound and pithy handling of these things, as

Ex registro col-
legij Mertonens.

Occham was surnamed Doctor *inuincibilis in argumento*: so the sense and iudgement of learned men was wholly for *Occham*. Insomuch that *Nauder* witnesseth, that this worthy *William Occham* threw downe all the Popes Temporall Dominion in the dust, and carried the glory in all these disputations: wherein many learned men followed him. For he speaking of *Dantes* that learned Florentine, saith that this *Dantes* also wrote a Booke, *De Monarchia*; wherein he prooueth that the Empire hath no dependance of the Pope: which opinion *Antoninus* reprooueth for an error. But *Occham* hath confirmed this which *Antoninus* tooke to be an error. *Quem errorem secundum ipsum Antoninum, magis diffuse persecutus est* *Occham* *ordinis minorum, quasi ad nihilum deducens potestatem Papa & Prelatorum, in temporali dominio, quomobrem multi uerè doctissimi tunc questiones disputabant de potestate Ecclesiastica.* That is,

Naucl. gener. 45.

[Which error as *Antoninus* taketh it, *Occham* a Minorite hath most largely handled, reducing the power of the Pope and of Prelates, concerning Temporall dominion, as it were to nothing. Wherefore many men of greatest learning, did then dispute of Jurisdiction Ecclesiasticall.]

23. By all which we see the Popes Jurisdiction ouerthrown by men of the greatest learning, euen then when hee thought himselfe strongest: for this part of his pretended Jurisdiction which toucheth the deposing of Princes was neuer better handled, then at this time in the middes of the Popes kingdom, by these men. And shall it be thought strange in vs now, to maintaine the same truth, which then these worthy men durst maintaine? Or shall it not be imputed either as damnable

ble ignorance in vs not to know, or as extreame weakenesse and want of courage, not to professe and maintaine as much now against the Pope, as these worthy men did then? More we cannot say, then they haue said in this point of Iurisdiction: For they haue prooued by inuincible reasons, that *in temporalibus*, in temporalities the Pope hath no Iurisdiction ouer Princes: that *in spiritualibus*, in spiritualities the Pope is subiect to the censure of a generall Councell. This is the truth which euery hath beene maintained against the Pope: more then this wee seeke not.

§. III.

Robert Grossthead and Iohn Wicliffe.

24. **A**fter *William Occum*, let vs come to that famous Bishop of Lincolne, *Robert Grossthead*: It is to bee lamented that more of his writings were not preserued; by so much as we haue extant, it appeareth that with great courage, learning, & integritie he withstood the Popes pretended Iurisdiction: for his learning *I. Wicliffe* calleth him the true great Clark. The contention which exercised him most, was about the Popes prouisions: for the Pope would by his prouisions (and this was also a part of his Iurisdiction proceeding out of the pretended fulnesse of power) place straungers, commonly some of his owne bastardes, vnder the name of his Nephewes, and of these sometimes young children. Thus in the best and greatest Ecclesiasticall charges and benefices, as they became void he thrust in such as had neither learning nor honestie, will or skill to discharge the duetie which that place required by preaching. This being of it selfe a thing hatefull and abominable: *Grossthead* conceiuing of the thing as it was in truth, resolved in his Diocesse to admit no such vngratious practise. And therefore when the Pope had written to him in this sort for one of his Nephewes: *Grossthead* withstood the Pope, and would not place him. And hereupon he wrote to the Pope: the letter is extant in *Mat. Paris*, out of which I will rehearse some things, that the excellent spirit of that man may be the better obserued:

Wicliffe: complaint. pag. 14.

ued : and his zeale against the intollerable practise of the Popes Jurisdiction. For these prouisions were then defended by flatterers as proceeding from the fulnesse of power, the fountaine as they called it of all Jurisdiction against which *Grosthead* disputeth thus.

Mat. Paris. Hen-
ric. 3. 37. an.
1253.

25. *Apostolica mandata non sunt nec esse possunt alia quam Apostolorum doctrina & ipsius Domini nostri Iesu Christi, Apostolorum magistri ac Domini.* That is, [The Apostolicall mandates are no other : neither may they be any other then the doctrines of the Apostles, and of our Lord Iesus Christ, master and Lord of the Apostles.] By this rule which *Grosthead* prescribeth to the Pope, we are ready to receiue any mandate from him. And the things which we reiect, we reiect vpon no other ground, then as this worthy Bishop did, because they are not consonant to the Apostolicall doctrines. And whereas the Pope had written to him for a prouision to be sped in his Diocesse, hee proceedeth thus. *Ipsa Dominus noster Iesus Christus ait, qui non est mecum, contra me est : contra ipsum autem non est nec esse potest Apostolica sedis sanctitas diuinissima : non est igitur prædicta littera tenor Apostolica sanctitati consonus, sed absortum & plurimum discors. Primo quia de illius littera & ei consimilium superacumulato non obstante, nec ex legis naturalis obseruanda necessitate induto patet cataclysmus, inconstancia, audacia, inuerecundia, mentiendi fallendi, &c. Præterea post peccatum Luciferi, quod idem erit in fine temporum ipsius filij perditionis Antichristi, quem interficiet Dominus spiritu oris sui, nec est, nec esse potest alterum genus peccati tam aduersum & contrarium Apostolorum doctrina, & Evangelica, & ipsi Domino Iesu Christo tam odibile, & tam abominabile, quam animas curæ pastoralis officij & ministerij defraudatione mortificare & perdere.* That is, [Our Lord Iesus Christ himselfe saith, hee that is not with me, is against me : now against him the most diuine holinesse of the Apostolicke sea is not, nor cannot bee : therefore the tenor of the foresaid letter is not consonant to the Apostolicall holinesse, but dissonant, and altogether repugnant, First, because the way is opened to an inundation of inconstancy presumption, shamelesnesse, lying, censuring, &c. By reason of the *non obstante* in that and such like letters often heaped

vp, not proceeding from any necessitie of the obseruation of the naturall law : Moreouer, after the sinne of *Lucifer*, which also shall be the sinne of Antichrist, the sonne of perdition in the end of the world, whom the Lord shall kill with the spirit of his mouth: there is not, nor can be any other kind of sinne so repugnant & contrary to the Apostolical & Euangelical doctrine, to our Lord Iesus Christ, so odious, and so abominable, as this sinne is to kill and destroy the soules of men by defrauding them of the care of the pastorall office and ministry.]

26. The beginnings of *M. Luther* with Pope *Leo* the tenth, were much more mild then this : but he proceedeth and condemneth this sinne, and the Popes letters by Scriptures ; declaring that they bring in such confusion into the Church : which could be practised by none, but such as are vnder the same condemnation with *Lucifer* and Antichrist. *Piores sunt Lucifero*, saith he, & *Antichristo proximiores*; & *in hac peioritate gradatim quanto magis superexcellentes*, *qui ex maiori & diuiniore potestate sibi diuinitus in adificationem non in destructionem iradita, magis tenentur ab Ecclesia de tales interemptores pessimos excludere & extirpare*. That is, [They are worse then *Lucifer*, and next to Antichrist : and in this badnesse they rise in a greater degree of euill so much the more, by how much they are more excellent, who from the greater and more diuine power that is giuen them for edification, not for destruction, are bound the more to exclude and root out these wicked destroyers from the Church of God.] And therefore hee auerrèth that the Pope cannot commaund such a sinne as this, to be done, [So hatefull and detestable, so abominable to Christ, so pernicious to man. For this were an vtter defection from power and Jurisdiction, a corruption, and abuse thereof, and a remotion from the throne of glory ; and a session in the chaire of pestilence, and in eternall shame in hell, next in place to those two great Princes of darkenesse, *Lucifer* and Antichrist.] And because in such things no man ought to yeeld his obedience, but is bound to disobey: therefore he saith thus, [Out of duety and obedience, and out of the loue of vnion with the bodie of Christ; I vtterly reiect and resist these letters, especially because

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they vrge me to such a sinne, as is evidently abhominable to God, and pernicious to man; and because they are contrary to the holinesse of the sea Apostolike, and against the Catholicke faith: *Filialiter & obedienter non obedio, contradico, rebello.* And vnto that Sophisticall shift of *plenitudo potestatis*, whereby they vsed to cast a colour ouer these practises, he aunswereth in such a sort, as giueth a short rule of vnderstanding this fulnesse of power, for thus he saith. *Breuius autem recolligens dico, Apostolica sedis sanctitas non potest nisi qua in adificationem sunt & non in destructionem: hac est enim potestas plenitudo, omnia posse in adificationem.* That is, [Briefely recollecting what we haue said, we say, the holinesse of the sea Apostolicke cannot doe any thing: but that which is for edification, and not for destruction: for this is fulnesse of power, to be able to doe all things for edification.] In which sense who would haue denied the Pope a fulnesse.

27. When this letter came to the Pope, *Non se capiens pra ira* (saith mine Author) *quis ait est iste senex delirus, surdus, absurdus, qui facta audax & temerarius iudicat? Per Petrum & Paulum nisi me moueret innata ingenuitas, ipsum in tantam confusionem precipitarem, ut toti mundo fabula foret. stupor, exemplum & prodigium. Nonne rex Anglorum noster est vassallus? & ut plus dicam, mancipium, qui potest eum nutu nostro incarceratione & ignominie mancipare?* That is, [The Pope not being able to hold for anger, said, who is this foolish, deafe, absurd old man, that with such rash presumption iudgeth our acts? By Saint Peter and Saint Paul, if mine ingenuous good nature did not stay me, I should hurle him into such a confusion, that he should be the fable of the world, an astonishment, an example, a monster. Is not the King of England our vassall, or to say more, our slaue? who is able at our becke to imprison him, and to appoint him to ignominie? But the Cardinals appeased his holinesse, especially Cardinall *Egidius Hispanus*, who fearing that the Pope might prosecute some courtes of extremitie against him (as afterward hee did) tolde him, that it was not fit to vse that man hardly. [The things which he writeth (quoth the Cardinall) are true, we cannot denie them, or condemne him: he is a Catholicke

tholicke and holy man : more religious, more holy ; of a more excellent life then we are : there is not thought to be a greater Prelate this day living, no nor comparable to him. All the Clergie of France and England know this to bee true : hee is esteemed also a great Philosopher , in the Latine and Greeke languages famously learned, a man zealous of iustice , a reader of Diuinitie in the schooles, a preacher to the people, a louer of chastitie, a hater of Symonie, &c.] The Cardinals therefore aduised the Pope to dissimulate the matter , least some tumult might arise, saith mine Author. *Mat. Paris.*

28. And marke well , why they feared that a tumult might rise in the Church about this matter , this reason *Mat. Paris* relateth in these words. *Consilium dederunt Cardinales Domino Papæ, ut omnia hac continentibus oculis sub dissimulatione transire permitteret, ne super hoc tumultus excitaretur, maxime propter hoc quia scitur quod quandoq, discessio sit ventura.* That is, [The Cardinals gaue this aduise to the Lord Pope, that hee would winke at all these things, and passe by them as dissimulating, least a tumult might arise : especially for this cause, because it is well knownen that once there shal come a departure.] Let this be obserued, It was written long before *M. Luther* was borne. The Pope and the Cardinals knew long before, that once a departure should bee made from the obedience of the Pope : and therefore *Robert Grossthead* did put them in great feare, least he might be the man that might worke this departure. Then it seemeth in the iudgement of the Cardinals , that he who first should worke this departure, must be an excellent godly and learned man, such one as *Grossthead* was then known to be. But if *Grossthead* had done that thing then, which vpon the like occasion *Luther* did afterward : wee should haue heard him reuiled for the rankest hereticke , the most wicked and vngracious man that euer liued : as now *Luther* is by them, who vse to curse where God bleisseth, and to blesse where God curseth. Then they were in feare of *Grossthead*, & thought that this departure could not bee done but by some such excellent man. And what hath *M. Luther* done, but that which *Grossthead* was prouoked to do? or who could doe otherwise that keepeth *Grosstheads* principles.

Mat. Paris. ibid.

29. The godly zeale of this man is further declared by *Mat. Paris*, who recordeth certaine Discourses and actions of his against the Popish practises. *Improbos Romanistas*, saith he, *praeceptum habentes Papale ut eis prouideretur, quasi venenum odit serpentium Dicebat enim quod si animarum custodiam ipsis traderet, Satanizaret: unde saepius proicctis literis Papalibus bullatis, talibus mandatis precise contradixit.* [The wicked Romanists that brought the Popes letters for prouisions, he hated as the poyson of serpents; for he said, if he should commit the custody of soules to them, that then he should play the diuels part. Wherefore often he threw away the Popes bulled Letters, precisely contradicting such commaundements.] The same Authour noteth a memorable saying that *Grossthead* was wont to vse: *Nos liberabitur Ecclesia ab Aegyptiaca seruitute nisi in ore gladij irruendi.* That is [The Church shall not be deliuered from this Egyptian bondage, but by the edge of the bloody sword.] By all which we see the excellent spirit of this man against the spirit that ruled in the Popes, and against their Iurisdiction: neither are we to thinke that *Grossthead* followed any other religion then that which his fathers followed before him: this is the religion, sense and iudgement of the world then, that is, of all godly and iudicious that then liued.

30. But was not Bishoppe *Grossthead* of the same faith and Religion with the Church of Rome? Yes verily, and so will I be, if you grant me his conditions & exceptions: for he putteth two clauses very memorable, by which he will condition with the Church of Rome, or any other particular Church whatsoever. First, That the doctrines of that Church, be the doctrines of Christ and his Apostles: Secondly, That so wee may regard the Church of Rome, that wee be sure to hold vnity with the true Church, the body of Christ. These excellent and famous men that haue heretofore liued in the vnity of the Church of Rome, haue beene willing, wee confesse, to yeelde so much to the Pope, and that particular Church, as they might doe holding vnity with the true body of Christ. But if the vnity with the Romane Church doe draw them away from the vnity with Christs body: then haue they alwaies beene resolued to giue
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ouer the vnity with that particular Church. This confirmeth that which before I obserued in the Distinction betweene the Church of Rome and the Court of Rome, because we see many learned and worthy men of our forefathers were of the Church of Rome, that is, held the bond of vnity with it, who were professed enemies to the Court of Rome. Now the Pope and his flatterers haue forsaken that vnity with the Church of Rome which stood in Apostolicall doctrines and vnity with the true body of Christ, howsoeuer they boast of the name, and haue nothing now to shew for themselues but the pride and faction of the Court of Rome.

31. Now come we to the time wherein liued *John Wicklif*, another of the worthies of Merton Colledge in Oxford: his aduersaries would blot him with the name of an Hereticke: some things are vntrue wherewith they iniuriously charge him; some things are true, which they vniustly call Heresie. In this question of Iurisdiction, as he receiued the truth from *Ocham*, his Senior in Merton Colledge, so he deliuered the same faithfully. Speaking of the Kings Iurisdiction as well ouer the Clergie as Laity, he saith, [The chiefe Lordshippe in this land of all temporalties both of secular men and religious pertaine to the King of his generall Gouvernement: for else hee were not King of all England, but of a little part thereof. Therefore the men that busien them to take away this Lordshippe from the King, as don Friars, and their fautors, in this point beene sharper enemies and Traytors, then French men, and all other nations.] *Wicklif* labored worthily to descry & refute the errors concerning Iurisdiction that in his time came creeping in, introduced by Friars. For he witnesseth that the Friars taught thus: *Rex Anglia, non est rex totius Anglia. sed regulus parue partis, super residuum vero mortificatum est Papa Dominus; Veruntamen non est disputandum (inquunt) de hac materia, quousque fuerit in effectu potentius stabiliat: sed toleranda sunt iniuria dominorum secularium quousque arriserit opportunitas temporis.* That is [The King of England is not King of all England, but Lord of a little part: ouer the residue in a dead hand the Pope is Lord, but, say they, there is no disputing of this matter, vntill it be powerfully

Wicklifs complaint. Artic. 2.

Lib. de fundam. legum. Anglie ca. 36. pag. 424.

brought in effect; In the meane time they say, the iniuries of temporall Lords must be borne, vntill an opportunity fauour them.] This is plaine dealing: The Friars declare, what is that thing at which they haue long aimed. For what other meaning haue their pretended exemptions, then by making a reuolt from the obedience of their soueraigns, to become wholly the Popes seruants and creatures?

32. But this late generation of Friars, I meane the Iesuities exceeding these olde Friars in admirable practises in the blood and destruction of Princes and states; are yet so confident in their wit and eloquence, that they thinke themselues able to perswade the Kings of the earth to account them among good and loyall subiects. The old Friars dealt more plainely; they professed not obedience to Princes: these professe more and would colour their deepe deuises in destruction of Princes with impudency and dissimulation, as if they meant not the same things which daily they practise. Now that which *Wichf* taught against these wicked and prophane opinions of these olde Friars, was no other thing then the iudgement of the learned Diuines which liued before, and in his time: for he brought in no nouelties, but the Friars introduced the nouelties in Religion and Iurisdiction. And that Distinction which before we obserued betweene the Church of Rome, and the Court of Rome, he confirmeth as a thing notoriously marked in his time; for of the Church of Rome he saith thus: *Protestor publice quod amando & venerando Romanam Ecclesiam, matrem meam, desidero & procuro defensionem omnium priuilegiorum suorum.* That is [I protest publicquely, that louing and honouring the Church of Rome, I reuerence my mother, and procure the defence of all her priuiledges.] But of the Court of Rome, or that particular Church of Rome which was governed by the Pope, hee saith much otherwise, not doubting but that the iudgement of the particular Church of England might in many things be preferred, before that particular Church of Rome guided by the Pope. *Fieri potest* (saith he) *quod Dominus Papa foret ignarus legis scripturae, & quod Anglicana Ecclesia foret longe praestantior in iudicio veritatis Catholicae, quam tota ista Romana Ecclesia collecta de istis*

Papa

De veritat.
Scriptur. pa. 196

Ibid.

Papa & Cardinalibus. That is [It may come to passe that the Lord Pope may be ignorant of the law of Scripture, and that the Church of England may be more excellent in the iudgment of the Catholicke truth then all this Romane Church collected of the Pope and Cardinals.] Then in those dayes there was not much attributed to the Popes not erring iudgement, or to the authority of that Church which was wholly gouerned by the Pope; seeing the Pope might be ignorant of the lawe of God, and the Church of England might haue a more excellent iudgement in the truth, then that particular Church of Rome. That which *Wicliffe* saith might come to passe, the world seeth and acknowledgeth that since that time it is come to passe: That Friars were the introducers of Nouelties, we haue already shewed out of *Iohn Wiclifes* obseruations. In this sorte things stood vntill the time of the Councell of Pisa which was helde some twentie yeares after *Iohn Wiclifes* death.

Chapt. 7. §. 2.

§. IIII.

The Popes Iurisdiction ouerthrowne by Councils.

33. **T**HUS haue we heard the iudgement of learned men against the Popes Iurisdiction, after that the same Iurisdiction began to be practised: these haue refuted especially that part of his claime, which was in *temporalibus*. Now we will consider another part of his pretended Iurisdiction, which was in *spiritualibus*: in this we finde his feathers as well pulled, as in the former; so that when both temporall and spirituall Iurisdiction is pulled from him, and when Princes take their owne right in temporalities, and Councils in spirituall Iurisdiction: the Bird will be left naked betweene them, that was so glorious with the feathers of others.

34. Before the time of the Councell of Trent, this hath bin alwaies acknowledged and preferred a trueth in the Church, that the authority of a Councell is aboue any particular what-soeuer, whether he be the Bishop of Rome or any other. This was neuer once brought in question the first thousand yeares: but

but when the Popes had framed a Ladder of their supposed Iurisdiction to cline aboute Princes ; and Friars began to pusse vp the Sailes of the Popes pride by the winde of their flatterie : then began some question to bee made of the authority of a Councell : The Friars hoisted vp the Pope aboute the Councell, but there were alwaies in the Church of Rome some remaining, yea a great number, and sometimes as the best part so the strongest, who held and maintained the auncient true Iurisdiction of a lawfull, free generall Councell to be aboute the Pope, and to haue authority to depose the Pope, or otherwise to censure him, as in their wisdom they thought meete. This question of the Iurisdiction of a Councell had often beene moued, as we finde by the appeales of Emperours and Kings, and others from the Pope to a generall Councell : but it came not to be put in execution before the Councell of Pisa, which was gathered vpon this occasion.

Naucl. gener. 47.

35. After a long schisme in the Church of Rome, *Gregory* the twelfth was chusing during the schisme ; *Gregory* tooke an Oath as soone as he was elected, to take away the schisme by all possible meanes, and wrote to *Benedict* the thirteenth, inuiting him to a mutuall abdication for peace : *Benedict* returned an answere to the same words backe again : As the Popes concluded together without any sincere purpose of abdication, the question began to be mooued of the authority of the Church, which might order them both, because the Church is aboute all; euen the Popes are subiect to this power : and therefore it was thought fit that a generall Councell should be called, representing the Church of these Westerne parts. The Councell was summoned to meete at Pisa : the Bishops, Prelates and Princes being orderly summoned, and meeting heere in the yeare one thousand foure hundred and eight, proceeded against both the Popes, deposed and depriued them ; condemning them both for Hereticke and Schismaticke, commanding all Christians not to take them for Popes, or yeelde obedience to them. In this Councell there was great disputation of the authority of a Councell : and it was determined, none contradicting, sayeth mine Authour, that the Councell had authority to depose the Popes

Popes persisting in a scandall, and to chuse another. This was the ground and occasion of calling the Councell of Constance not long after this.

36. This Councell of Pisa is much commended by *Iohn Gerson*, and by the Councell of Constance, as the same Authour *Gerson* doth witness; Where he saith also that the Church of England sent learned men to that Synode at Pisa: who as they came through Paris were entertained with an Oration of the same *Gerson* then Chauncellor of the Vniuersity of Paris, declaring the consent of that Vniuersity with them. Then wee haue the Councell of Pisa, and herein the iudgement of the Church of England concurring with many other Churches against the Popes Iurisdiction. The same will likewise appeare by the Councell of Constance.

*Ioh. Gerson lib. de
auferibilitate
Papæ.*

37. The Councell of Constance was called by the commandement of *Sigismund* Emperor, in the yeare one thousand foure hundred and fourteene, for the same end. For the Synode of Pisa had deposed the two Popes that maintained the schisme, and chosen a new Pope *Alexander* the fift, but the other two helde their places by force, and there were now three Popes: after *Alexander* 5. death, *Iohn* the three and twentieth was chosen: this man came to Constance, and shewed himselfe willing to be deposed, so that the other two in schisme might be ordered and pulled downe from the places which they held: but this *Iohn* finding that the Councell had a purpose after that he was deposed to chuse another, and not himselfe; fled away from the Councell, and refused to be ordered by it: but hee was apprehended and brought backe againe: so his life and conuersation being examined by the Councell, he was deposed: but when he sent *Charles Malatesta* to approue the sentence of the Synode, and to make for him, and in his name a free abdication of the Papacy: he died for grieve that *Malatesta* had performed that commission so roundly and so quickly.

38. The other two Popes *Gregory* and *Benedict* stood vp mainteining the schisme all this while. To order them *Sigismund* Emperor tooke great paines with the Kings of England, Fraunce and Arragon. *Gregory* yeelded to be ruled by the Sy-

node, but *Benedict* stood out stiffely a long time, who in the end also was depriued, and pronounced an Hereticke and Schismaticke. It is obserued that there was nothing concluded in this Councell without the consent of the five Nations. The Synode hauing thus deposed all those other Popes, made choyce of *Martin* the sixth: And to preuent such schismes and the troubles which grewe by them, it was decreed in the same Synode, that such Synodes should be often called; the first should be called five yeares after this: the second seauen yeares after the first; the third tenne yeares after the second; and so from tenne yeares to tenne yeares continually. This order and Iurisdiction of the Church declared in Synodes, did so terrifie the Popes that they sought by all meanes to defeat it, they could not indure such a Iurisdiction about themselves, to call them, censure them, depose them, as this Synode had throwen downe three Popes at once. Therefore the Popes after this laboured by all meanes how they might oppresse the authority of a Councell, (which they could neuer doe before the Councell of Trent) and all these partes of Christendome on the other side laboured to maintaine the authority of the Councell about the Pope.

sess. 5.

39. For the better confirmation hereof, this Synode declareth the authority and Iurisdiction of a generall Councell thus: *Declarat (hac sancta Synodus) quod ipsa in spiritu sancto legitime congregata, Concilium generale faciens, & Ecclesiam Catholicam representans, potestatem a Christo immediate habet, cui quilibet cuiuscunque fuerit status vel dignitatis, etiam si Papalis existat, obedire tenetur in his quae pertinent ad fidem & extirpationem dicti schismatis & reformationem dictae Ecclesiae in capite & in membris.* That is [This holy Synode declareth, that they being gathered in the Holy Ghost, making a generall Councell, and representing the Catholicke Church, haue power immediately from Christ, to which euery man of what state and dignity soeuer, though he be a Pope, is bound to obey in those things which pertaine to faith, and the extirpation of schisme, and reformation of the Church in the head and members.] And presently after this, they declare and define these points, that euery man of what

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condition fouer, though he be a Pope, that shall not obey the ordinances, statutes, or precepts of the Synode shall be duly corrected and punished: that Pope *John* the three and twentie (for this was decreed at the beginning before *John* was depriued) shall not transerre the Court of Rome, or any other publicke officers therof, or compell them directly or indirectly to follow him, without the consent of this Synode. And if he shall fulminate any censures Ecclesiasticall against such officers, or any other adhering to this Synode; all shall be voide and of none effect: neither shall it be lawfull for any man to obey any such censures: That all Translations of Prelates, all depriuations, reuocations, monitions, Ecclesiasticall censures, all processees and whatsoeuer is done or shall be done by the said Pope in preiudice of the said Councell, &c. shall be voide, vaine, and of none effect.

40. According to the Decree of this Synode, Pope *Martin* the fift, after fise yeares called a Synode at Pauie: thither came they that were sent by the Pope, and expected the nations without whose presence a generall Councell could not bee held. But the plague increasing greatly in that towne, they changed the place of this Synode to Sene: where Pope *Martin* perceiuing that *Benedict* began to stirre againe; to prevent troubles, dissolued this Synode, and according to the Decree of the Synode of Constance, appointed the place of another Councell after seuen yeares to be holden at Basil; and when the appointed time came, hee sent Cardinall *Iulianus* to Basil for the furthering of the same. This is the onely Pope of late that was not affraide of a generall Councell; he was elected by a Councell, he kept the Decrees of that Councell with great commendation, and liued in that moderation, that he seemed not to be affraide of the censure of a Councell. *Martin* hauing proceeded thus farre, onely to shew himselfe willing to call the Councell of Basil, died. *Eugenius* the fourth succeeded, who did striue by all meanes to defeate the Councell of Basil: but by the authority of *Sigismund* the Emperour that Synode proceeded; thither came the Prelates of those nations, without whose consent a generall Councell of these parts of Christendome cannot be held.

Anno 1430.

41. This Synode of Basil thus gathered, among other things agreed vpon certaine conclusions concerning this Iurisdiction; the Conclusions are these:

Sess. 38.

1. *Veritas hæc de potestate Concilij generalis, vniuersalem Ecclesiam representantis super Papam & quemlibet alterum, declarata per Constantiense & hoc Basiliense generalia Concilia, est veritas fidei Catholica.*

2. *Veritas hæc quod Papa Concilium generale, &c. actu legitime Congregatum &c. nullatenus sine eius consensu potest dissoluere, aut ad aliud tempus prorogare, aut de loco ad locum transferre, est veritas fidei Catholica.*

3. *Veritatibus duabus prædictis pertinaciter repugnans, est censendus hæreticus.* That is,

1. [This truth of the Iurisdiction of a generall Councell representing the Catholicke Church that is about the Pope or any other, as it is declared by the general Councells, that of Constance and this of Basil, is a truth of the Catholicke faith.

2. This truth that the Pope cannot in any case without the consent thereof dissolve a generall Councell, &c. lawfully and actually gathered &c. or proroge it to another time, or transfer it from one place to another, is a truth of the Catholicke faith.

3. Whosoeuer doth with pertinacy, resist these two foresaid truths, is to be adiudged an hereticke.]

These conclusions they set downe against that Iurisdiction which the Pope claimed, whom they called *Gabriel Condemnerius*, otherwise called *Eugenius* the fourth, against which conclusions no man then contended; sauing the Pope and his flatterers, who are therefore adiudged Hereticke by the Councell. In the fife and fortieth Session of this Synode of Basil there are other conclusions added, to declare the pertinacy of *Eugenius* the fourth, condemned by that Councell: and first they declare or testifie that not in their owne iudgements only, but in the iudgements of all that before them were men of knowledge and learning in the Church; this was euer maintained, that the Pope must be subiect to a generall Councell: *Nec unquam aliquis peritorum dubitauit* (saith that Synode) *summum Pontificem in his quæ fidem concernunt, iudicio eorundem*

Sess. 45. decretum quinq; conclusionum.

Conci.

Conciliorum vniuersalium esse subiectum. Then they declare how *Eugenius* first laboured to dissolue this Synode without the consent of the Synode. But after many admonitions he reuoked that dissolution, declaring it to be void and of none effect: and so gaue great hope of peace to the Church. But after this againe, he attempted the second dissolution of the same Councell, which after many admonitions hee would not reuoke: wherefore these fise conclusions are declared against him: First, The first dissolution of this holy Synode of Basil, pretended by *Eugenius* the present Pope, from the fulnesse of Apostolicall power (as he saith) attempted, is repugnant to the two foresaid truths. Secondly, *Eugenius* the present Pope, did in forme of law prescribed vnto him, iudicially reuoke all errours repugnant to the two foresaid truths, after the first pretended dissolution or translation, being admonished; and commaunded by the Synode so to doe. Thirdly, The pretended dissolution or translation of this holy Synode of Basil repugnant to the two foresaid truths, attempted by *Eugenius* after he was cyted vpon the point of reformation, proceeding (as he saith) out of the fulnesse of power, in case it should proceede against himselfe, or any of his Legates Presidents: this should conteine an inexcusable error in faith: Fourthly, The second pretended dissolution or translation of this Synode, repugnant to the two foresaid truthes, doth proue the said *Eugenius* to be a relapse, falling againe into his reuoked and condemned error: Fifthly, This second dissolution or translation repugnant to the two foresaid truthes, as also the contumacy of *Eugenius*, and his long perseuerance therein, and the open rebellion of the said *Eugenius*, after that he was admonished by the Synode to reuoke that pretended dissolution or translation; and also the erection of another Congregation vnder the name of a generall Councell to fortifie that pretended dissolution, and that during the time of this holy Councell of Basil: all these are euident testimonies of the pertinacy of the same *Eugenius*, and so euident that they neede not the clamor of any other accuser.

42. Vpon these grounds this Councell deposed *Eugenius* the fourth, and elected *Amadeus* Duke of Sauoy, who was called

led *Felix* the fifth. But *Eugenius* resisted by force, and helde himselfe as Pope, the Synode not being strong enough for him by coactive power, though in spirituall Iurisdiction it was aboute him: yet would not this Councell acknowledge *Eugenius* to be the Pope, but *Felix*. In the meane time *Eugenius* dieth, and *Nicolaus* the fift was chosen in his place. All this while the Councell of Basil stood vp: so that a new Schisme was like to rise; but all was compounded thus: *Felix* the fift should abdicate the office which he was content to doe, seeing *Eugenius* was dead who was deposed by the Synode: *Nicolaus* should be acknowledged and confirmed Pope. This *Nicolaus* thus confirmed, should by his bull approue and confirme all the things done and concluded in the Councell of Basill: all this was performed, and Pope *Nicolaus* by his Bull maketh a solemne confirmation and approbation of this Synode: which Bull is annexed to the Synode: bearing date *Galend. Iul. 1449*. But the Synode seemed not much to respect this confirmation, because they rested vpon that authority which the Church hath from Christ.

43. Now let vs consider how this Synode prescribed against the Popes Iurisdiction so much, that if the reformed Churches by the power and godly labours of their Princes, might once obtaine that which they haue so long wished, a generall, free, lawfull holy Councell: they would not desire much more freedome therein then was practised in this Synod of Basill. For first concerning the safe conduct for coming to the Councell, and manner of proceeding, there is so much graunted by this Councell to the Bohemians, whom the Councell inuited to a disputation, that more then this, none will desire. For besides the safe conduct for coming and going freely and safely, they are agreed vpon the iudge of controuersies: admitting that iudge which onely was alwayes acknowledged the iudge in all generall Councils: for the Pope was neuer acknowledged to be the iudge. This Synode of Basil admitting herein the manner of proceeding held in auncient Councils, reiecteth the Pope, and admitteth another iudge, in these words. *Lex diuina, praxis Christi Apostolica & Ecclesie primitiua una cum concilijs*

Saluus conductus
Boemorum
conc. Basil. sess. 4.

concilijs doctoribusq̃, fundantibus se veraciter in eadem, pro verissimo & indifferente iudice in hoc Basiliensi concilio admittentur.

That is, [The law of God, the practise of Christs Apostles, and of the primitive Church, together with Councils, and doctors founding themselves truely vpon the same, shall be admitted for the most true and indifferent iudge, in this Councell of Basil.] Now this is far from the iudgement of our aduersaries, who will admit no other iudge of controuersies, saue the Pope onely. Wee haue the iudgement of the Church against them, both of old time, and at this time of late: and before the Councell of Trent it was neuer otherwise.

44. Moreouer, whereas the Pope sent his Legates to this Councell of Basil, requiring that they might be admitted as Presidents of the Councell in his place: this the Councell granted, limiting the same graunt with these conditions: that these who thus were admitted Presidents of the Council in the place of Pope *Eugenius*, should be in that place without all coactive Iurisdiction: that the manner of proceeding by disputations should stand inuiolate: that all the Councell being equally deuided into foure deputations, nothing should be concluded but that which was confirmed by three deputations at the least: that the things thus confirmed should be inrolled by the Presidents or one of them: that if they refused to inroll such things, then should it be lawfull for any other man, which was in one of the deputations, to doe it: which must after this be brought to the congregation, and read there and publickly approoued before it be concluded. They condition also that all the Actes of the Councell shall be done and dispatched in the name, and vnder the seale of the Councell.

*Ibid. sess. 17.
Sine omni Iurisdictione coacti-
ua.*

45. Further in these late Councils there is no memorable mention of the five nations. There was free accessse for all nations that would come, but there is especiall mention of five nations, because these were the principall nations of these westerne parts: they are named in the first session of the Councell of Basill, Italy, Brittain, Germanie, France, and Spaine: nothing might be concluded vnlesse it were first diuers times published in the presence of the five nations, and by the generall consent

consent of them, confirmed. If things had passed in this manner in the Councell of Trent, that free access might be giuen to all nations; that the Scriptures with the Fathers founding themselves vpon Scriptures, might bee admitted the onely iudge of controuersies; that the Pope should haue no coactive authoritie, that nothing should be concluded, but by the consent of the siue nations; then would wee admit that Councell to bee free and generall: but because in stead of these, the contrary was practised in Trent, that no iudge could be admitted there, but the Pope; that none might haue access to that Synod, but they who were first bound in an oath to the Pope; that therein the Pope practised coactive power, that nothing could there be concluded but by the direction of the Pope: therefore when we reiect the Councell of Trent, we doe no more then our forefathers did in the Councell of Basill, & before that in the Councell of Constance, and before that in the Councell of Pisa. We are the children of them that held these Councels: whom seeing we finde to be so peremptorily bent against the Pope, and against the proceedings of the late Councell of Trent, haue we not warrant following the footsteps of our forefathers, vtterly to reiect and to condemne the Popes Iurisdiction which wee haue now found to be so late, so basely bred, without antiquitie, honour, honesty or libertie? Against the Popes pretended Iurisdiction, what can wee say more, then hath beene already concluded by these Councels?

46. For they haue concluded that a Courtcell hath authoritie aboue the Pope: that the Church may correct and hath corrected Popes: *Ecclesia Catholica Sæpenumero summos Pontifices, siue à fide delirantes, siue prauis moribus notorie Ecclesiam scandalizantes correxit, & indicauit. Neq; ubi de fidei periculo aut scandalo religionis Christianæ agebatur, Romanis Pontificibus pepercit.* They haue concluded that the Popes may erre as well as other men. *Certum est Papam errare posse.* [It is certaine that the Pope may erre, and in the same place it is said: experience prooueth it, for we haue often found and read that the Popes haue erred: this Christ declareth if thy brother offend against thee, *dic Ecclesiæ*, tell the Church, and if he heare not the Church,

*Concili. Basil.
sess. 12. decretum
citatur contra
Papam.*

*Ibid.
Responsio Syno-
dal. de authorit.
concilij generalis
super Papam &
quoslibet.*

Church, let him bee to thee as an heathen or Publican : this comprifeth all men, euen *Peter* and his fucceffors. This *Paul* declareth, that refifted *Peter* to the face, and before all : then he faid it openly in the Church, and to the Church, which he faid before all. The Popes that haue not heard the Church, haue beene accompted as heathen and Publicanes, as we read of *Anaftafius* and *Liberius*.] And a little after, anfwering to a teftimonie of *Thomas Aquinas*, who held the Pope, *Peters* fucceffor, and Paftor of the vniuerfall Church, they fay thus : *De fingularibus Ecclefijs & perfonis id intelligendum eft, non de vniuerfali Ecclefia, quæ ſæpe ebedientiam iuftis de cauſis Romanis Pontificibus ſubtrahit: vt Marcellino, Anaſtaſio, Liberio, Ioha. 1. 2. Benediſt. 9. Benediſto 13. Iohanni 23.* That is, [That is to be vnderſtood of particular Churches & perſons, not of the Vniuerfall Church; which many times vpon iuſt occaſions hath withdrawen obedience from the Biſhops of Rome: as for example, from *Marcellinus*, *Anaſtaſius*, *Liberius*, *John* the twelfth, *Benediſt* the ninth, *Benediſt* the thirteenth, *John* the twentieth three.] They haue in like ſort concluded, that the Popes Gouvernement in the Church is to be admitted, not that he rule at his pleaſure, but according to the doctrine of Saint *Peter*. *Ut ipſe Eccleſiam Dei ſalubriter regat, non quidem vt pro libito voluntatis ſuæ cuncta peragere velit, ſpretis canonibus ſacrorum conciliorum, ſed iuxta beatiff. Petri doctrinam, ſic regat non vt dominans in clero, ſed vt forma factus gregis: Romanus enim Pontifex eſt vniuerſalis Eccleſiæ miniſter, non Dominus.* That is, [That he may ſoundly rule the Church of God, not that he ſhould doe all things according to the luſt of his owne will, reiecting the Canons of holy Councils; but according to the doctrine of Saint *Peter*: let him ſo rule, not as a lord ouer the Lords inheritance: but as examples to their flockes: for the Biſhop of Rome is the Miniſter of the Vniuerfall Church, and not the Lord.] They haue concluded, that if this Iuriſdiction bee graunted to the Pope which he claimeth, and which his flatterers pretend for him, that by this meanes the way is laid wide open for Antichriſt. *Aperite oculos & videte, qualis ex hoc daretur ingreſſus Antichriſto.* That is, [Open your eyes and behold what an entrance by this meanes would

*Epist. Synodal.
reſponſua ad in-
uictam Eui-
genij.*

*Epistola Synodal.
ad vniuerſ. Chri-
ſti fidel. de obe-
diendo concil-
gener.*

be made for Antichriſt.] So that they who yeeld any authoritie and reuerence to theſe Councils, muſt needs acknowledge, that the Popes Iuriſdiction is laid downe in the duſt.

Lib. 1. de Concil.
cap. 7.

47. Now let *Bellarmino* come with his fine diſtinctions, and tell vs that theſe Councils are partly confirmed, partly reiected, *partim confirmata. partim reprobata*: theſe be pleaſant heads that can take of theſe Councils what pleaſeth them, and reiect all that is againſt them: but let them collude with their owne conſciences as they liſt, they are not able to anſwere that which we vrge, or any way to ſhift vs off: for wee doe not vrge theſe concluſions as decrees of Councils: (though againſt them they may iuſtly ſtand for ſuch, but wee doe not produce them to that end) but onely to declare the religion, ſenſe, and iudgement of Chriſtendome, what it was at this time, and before: what was the doctrine of the Church, concerning Iuriſdiction: What the wiſeſt, the moſt learned and beſt men in Chriſtendome then taught: What was the iudgement of the Church of Rome then: This is euidently declared by theſe Councils, and that we may vrge no more but this, by this wee haue enough to proue that the Church of Rome then ſtood fully againſt the Popes Iuriſdiction. If they tell vs that *Eugenius* and they who followed him was the Church, and not theſe that were gathered in Baſil: I aunſwere, this doth more and more confirme that which I haue obſerued betweene the Church of Rome on the one ſide, and the Pope with his flatterers on the other ſide: who albeit they haue gotten the vpper hand by force and fraud, yet let them know the baſeneſſe of their birth and progeny: they are but a late vpſtart generation, beginning when Friars began: liſted vp by the winde which themſelues did raiſe, for increaſing the Popes pride: croſſed and contradicted, yea refuted and condemned by the learned and godly that liued in the Church of Rome: neuer fully preuailing before the Councell of Trent. Then let them not demaund of vs ſuch friuolous queſtions, where was our Church before *M. Luther*? for we are able to ſhew both our Church, and their Church, the antiquitie and not interrupted continuance of the one, and the baſe vpſtart and late riſing of the other.

Iohn

S. V.

John Gerson.

48. **H**Auing thus farre declared the iudgement of the Church of Rome, assembled in diuers Councils : now let vs consider how in particular, the learned men of these ages stood affected in this question : and who they were that tooke part with these Councils to aduance the authoritie of the Church about the Pope : for they who followed the Pope in this faction were onely Friars and flatterers ; but on the other side were these, as then, the great lights of Christendome for learning, that I may of many remember a few.

49. First *John Gerson*, a man of great authoritie in the Council of Constance : who hath written diuers bookes, wherein he preferreth the authority of a Council, before the Popes authoritie, and speaketh much otherwise of Iurisdiction, then the Court of Rome vseth now to speake. His booke *De potestate Ecclesiastica*, was pronounc'd and approou'd in the Council of Constance, in the yeere of Christ, one thousand foure hundred and seuentene ; as in the end thereof appeareth : from whence I will obserue some things, declaring his iudgement in our question of Iurisdiction. First he describeth that spirituall power which Christ hath left to his Church, thus : *Potestas Ecclesiastica est potestas quæ à Christo supernaturaliter & specialiter collata est suis Apostolis & Discipulis, ac eorū successoribus legitimis usq; ad finē sæculi, ad edificatiōē Ecclesiæ militantis secundū leges Euangelicas pro consecutiōe felicitatis æternæ.* That is, [Ecclesiasticall power, is a power supernaturally & especially giuen by Christ to his Apostles and Disciples, and their lawfull successors vnto the end of the world, for the edification of the Church Militant, according to the Euangelicall lawes, for the obtaining of eternall life.] This power we acknowledge with *Gerson*, nay with all the auncients, who speake no otherwise of the power which Christ hath committed to his Church. But then we wish that our aduersaries might vnderstand how they wander in ignorance and confusion : confounding this power which is spiritu-

*Gerson de potest.
Eccles. consid. 1.*

Answer to
the fitt part of
Reports.

all, executed *secundum leges Euangelicas*, with that power which is coactiue and executed *secundum leges Canonicas*. It is their common manner to confound these things, and thereby to perplexe themselves and their readers : but of all that euer I read, he surpasseth ; who calleth himselfe the Catholike diuine : for confused & vnlearned handling of these things. Then the power which Christ left to his Church, is practised *secundum leges Euangelicas* : this is the true power of the Church. But our question hath beene altogether of Iurisdiction coactiue, executed not *secundum leges Euangelicas*, therefore not giuen by Christ to his Church : but belonging to such lawes, to whom all coactiue power peculiarly belongeth.

De potest. Eccles.
confid. 4.

50. Of this coactiue power, the same Gerson saith thus : *Potestas Ecclesiastica Iurisdictionis in foro exteriori, est potestas Ecclesiastica coactiua, qua valet exerceri in alterum etiam iniurum.* That is, [Ecclesiasticall power of Iurisdiction in the exterior Court, is an Ecclesiasticall power coactiue, which may be exercised against another, though it be against his will.] And a little after, speaking of the same coactiue power, he saith : *Potestas hac Iurisdictionis Ecclesiastica adeo vicina est Iurisdictioni seculari & politica, quod laicis imò & mulieribus plerumq; & in multis casibus communicari potest executio vel committi.* That is, [This power of Ecclesiasticall Iurisdiction, commeth so neere to secular and Ciuill Iurisdiction, that the execution hereof may be communicated or committed for the most part, and in many cases to Lay-men, yea euen to women.] Then this power is not from Christ directed to Church-gouernours, which may be executed by Lay-men, and women. For Christ gaue no Iurisdiction to his Church, which may be executed by such. Now if this coactiue Iurisdiction may be executed by Lay-men : why not by Magistrates ? If by women, (of which thing most of the Popish writers are agreed) how then standeth it against the lawes of nature, and grace, the Ciuill and the Canonick lawes, and I know not what other lawes, as the Catholicke diuine telleth vs, that a woman should haue this Iurisdiction ? for if a woman may be a Magistrate, it must needs follow that a woman may haue that power which God hath giuen to Magistrates,

51. *Gerson* speaking of the power of the Church, not this coactiue, but that which is giuen, *secundum leges Euangelicas*, declareth that it is founded vpon the text of *Mat. 18. Dic Ecclesia, &c. Fundatur in hoc textu*, saith he, *Plenitudo potestatis gladij spiritualis & executio eius in Ecclesia super quemlibet Christianum, qui est frater noster, etiam si Papa fuerit: nec accipiendum hic, dic Ecclesie, id est Papa; quia Christus Petro loquebatur qui non dixisset sibi ipsi.* That is, [The fulnesse of the spiriuall sword aboute any Christian that is our brother, though he be a Pope, is founded vpon this Text: neither must we take it so, tell the Church; that is the Pope: for Christ spake this to *Peter*, who was not bidden to tell it to himselfe.] He declareth also, and much complaineth that the Ecclesiasticall Iurisdiction was by the practise of Popes, intruding vpon Ciuill Gouvernement; so strangely confounded, that a man could not in those dayes decerne the difference betweene the right of the Church and of Princes. *Potestatem Ecclesiasticam confundit magna caligine cupiditas ambitiosa, quarens que sua sunt, & que crescentibus beneficiorum dotationibus impudenter excreuit: Ita ut vix decerni modo possit, quid ex primaria institutione Christi, vel inuariabili iure diuino tenendum sit.* That is, [Ambitious coueteousnesse seeking her owne, and impudently enlarging her power as the dotation of benefices increased, hath confounded the Ecclesiasticall power with a great mist: So that now it may scarcely bee decerned, what we are to hold of the first institution of Christ, or by the invariable diuine law.] Then this Iurisdiction was by the Popes hurled into such a confusion, that men of the best learning were much troubled with distinguishing this confused masse. And so farre did this confusion growe by meanes of the Canonistes extolling the Popes Iurisdiction without measure, that the same Author was forced to complaine bitterly thereof thus: *Hinc & quiuocatio per dominos iuristas, qui loquentes de plenitudine Ecclesiasticæ potestatis Papalis, solum loqui videntur de potestate Iurisdictionis: ex qua locutione videtur hæc absurditas sequi, quod purè Laicus, imò & fœmina possit esse Papa, & habere plenitudinem Ecclesiasticæ potestatis.* That is, [Hence commeth equiuocation induced by my masters the Canonists, who speaking of the ful-

Ibid. confid. 4.

Ibid. confid. 8.

Ibid. confid. 10.

nesse of the Papall Ecclesiasticall power, seeme to speake onely of the power of Iurisdiction: by which speech this absurdity seemeth to follow; that a pure Lay-man, yea a woman may be Pope, and haue the fulnesse of Ecclesiasticall power.

52. And thus, I trow, they will bring their Iurisdiction to a faire issue: that if wee should graunt it, as they claime it, this inference must also goe with it; that a Lay man or a woman may be Pope; were it not much better to giue to each his own right, to the Magistrate all power coactive, to the Church power ouer the soules of men according to the lawes of the Gospell: then to follow all these absurd fancies, by taking away from the Church and Magistrates their distinct rights, and casting a new, vnlawfull, confounded Iurisdiction vpon the Pope? And that we may vnderstand how the Papal Iurisdiction grew onely by the Popes flatterers, of such knaues he saith thus: *Adulatio negat Papā posse simoniacam committere, quoniam sua sunt omnia Ecclesiastica bona: concedit quod superius est, potens ab altero ius suum tollere, & quod nec ab eo appellari, neq; eum iudicialiter euocari, nec obediētiā ab eo subtrahi: hic solus symbolum fidei condere, hic solus causas eiusdem fidei tractare potest. Solus definitiones, regulas, leges, & Canones condit: alioquin quicquid per alios definitur, statuitur &c. irritum est, fallor si non ante celebrationem huius Concilij Constantiensis sic occupauerat mentes plurimorum ista traditio, ut oppositorum dogmatizatio fuisset de heretica prauitate vel notata, vel damnata.* That is [Flatterie denieth that the Pope can commit Simony, because al Ecclesiasticall goods are his: it graunteth that the Pope is aboue law, able to take from a man his right, and that neither an appeale may be made from him, neither may he be called iudicially to triall, nor obedience be drawne from him: he onely must make Articles of faith: he onely must determine the causes of faith: onely hee must make definitions, rules, laws, and Canons: otherwise whatsoever is defined, ordeined by other, &c. it is voide. I am deceiued if before the celebration of this Councell of Constance this tradition did not possesse the mindes of most men, insomuch that they who taught otherwise, were noted, or condemned for hereticall prauity.]

Ibid. confid. 12.

53. In these words some things are obseruable : First , That this vnlimited Iurisdiction is giuen to the Pope onely by base fellows, flattering knaues, against the iudgement of the learned and graue men of the Church of Rome , and against the iudgement of these Councils : Secondly, that the iudicious and graue men of this age, as *Gerson* and such like, yea all that were assembled in this Councell, were noted by these base flatterers, and suspected or condemned of heresie. The Pope and his flatterers wanted no good will then, to haue made them al hereticks. And it is to be obserued that the heresie which most of all troubled the Pope with his flatterers, stood in this pretended Iurisdiction : for this is the cause wherefore flatterie, as *Gerson* saith, would haue imputed hereticall prauity to the Councell: Thirdly, and last of all, the distinction betweene the Church of Rome and the Court of Rome, wherof we haue so often spoken, is here againe confirmed. For these flatterers stood for the Popes Iurisdiction against the Church of Rome heere assembled in a Councell: but howsoeuer they haue preuailed since, wee see heere that by the Church of Rome, they were accounted then but a base companie of flatterers. These bee they who afterward preuailed in the Councell of Trent, lifting vp the priuiledges of the Pope aboue the Church : And this is that Church on the other side, which then was in danger to be pronounced heretickes by the Pope, and these who are marked and branded, not by me, but by *Gerson*, *Cusanus*, *Aeneas Silvius*, and the rest of both these Councils of Constance and Basil, to bee no better then a generation of base flatterers.

54. Then there is no great thing done, or at which the world may maruel, when we see the reformed Churches at this day accounted heretickes by the Pope and his flatterers : for this was a thing long looked for. The Church did beare the pride of the Pope, the ignorance and insolency of his flatterers, as long as she could indure it. And when there was no remedie, made a separation indeede from the Pope, and his flatterers, holding on still in the auncient waies of our fathers, who haue from time to time made resistance against the Pope and his seruants : from which auncient way of our forefathers, from their

their profession, sense, iudgement and religion, the Councell of Trent hath made a famous defection, hauing declined and turned aside from the ancient and constant profession of the truth, in doctrine and Iurisdiction, vnto these new and straunge deuises taken vp of late; and inuented by Friars and flatterers of the Court of Rome. This defection which the Pope hath made from the Church, and the Church from him, was long before looked for: and diuers did speake of it, before it came to passe: as *Mat. Paris* declareth, that some feared it might haue beene done by Bishop *Grossthead*, so Cardinall *Cusanus* declareth; as hereafter we are to shew, how the Church may depart from the Pope.

*Serm. pro viagio
reg. Rom. diuic. I*

55. The same *Gerson* saith also: *Concilium generale potestatem à Christo immediate habet, cui quilibet cuiuscunq; status etiam si Papalis existat obedire tenetur, in his qua ad fidem & extirpationem schismatis pertinent.* That is, [A generall Councell hath power immediatly from Christ; whereunto euery man is bound to obey in things concerning faith, and the extirpation of Schisme, of what state soeuer he be, though a Pope.] And he addeth thus much: *Saluberima hac determinatio lex fundamentalis & velut infallibilis aduersus monstrosam horrendam q; offendentulum, quod positum erat per multos determinantes ex rebus grosse non ad regulam Euangelicam acceptis, &c. generale concilium totum à Papa robur immediate sumere.* That is, [This most sound determination is a fundamentall law, and as it were infallible against that monstrous and horrible offence, which is giuen by many, concluding from texts grossely vnderstood, and not according to the Euangelicall rule, &c. That a generall Councell receiueth all strength immediatly from the Pope.] In which wordes hee obserueth that the Popes flatterers, who brought in this Papall Iurisdiction about the Church & Councels, did induce hereby a monstrous and horrible offence in the Church. This offence, saith hee, was giuen by such as would proue this Iurisdiction from certaine texts of Scripture, as: *Tu es Petrus, & super hanc Petram edificabo Ecclesiam meam*: and, *orati pro te Petre*, &c. And such like which are wire-drawn to countenance this Papall Iurisdiction. Which texts, saith *Gerson*,

son, are grossely taken by these flatterers, and not according to the rule of the Gospell. And seeing we finde that the Iesuities at this day haue no other ground for the Popes Iurisdiction, then the same texts by them and their forefathers distorted into a wrong sense, as it is obserued by our forefathers against them: let the Iesuities know themselves to be the generation of those that haue distorted the holy Scriptures, and thereby brought a monstrous and damnable offence into the Church. Gerson presenly after this declareth, that against these flatterers, the reuerend Cardinall *Cameracensis* (whom he calleth his worthy master) did write in defence of the truth. *Scriptum* (saith he) *super hanc materiam reuerendiss. pater dominus Cardinalis Cameracensis praeceptor meus inclitus*: which booke of *Cameracensis*, if it be extant (for I could not see it, though I much desired) I suppose might make these flatterers to be better knownen, and the right of the Church moire strongly confirmed.

56. Gerson proceedeth, and of that Iurisdiction which the Pope claimeth by imposing his Canon lawes vpon other Princes, he saith: *Papa non debet conari ut Canones positi aut alienae traditiones humanae inuariabiliter obseruentur per omnes nationes*. That is, [The Pope ought not to strue to impose his Canons, or that other humane traditions bee kept invariable of all nations.] Where he declareth that this imposing of the Popes Iurisdiction vpon other nations, gaue occasion to the Greekes to make a separation from the Latins, and daily ministreth occasions of contention through Christendome. In the same Booke which he intituleth, *De auferibilitate Papae*, he holdeth positiuely, that howsoeuer in some other respects there might be some vse of a Pope, yet concerning this our question of Iurisdiction, the Pope with all his pretended Iurisdiction might be vtterly removed from the Church, his position is: *Auferibilis est Papa* *per generale concilium perpetuo, vel ad tempus, quoad ea omnia quae sunt Iurisdictionis*. That is, [The Pope may be remooued by a generall Councell, either for euer, or for a time, in respect of all things pertaining to Iurisdiction.] Now if the Pope may be removed from the Church, in respect of Iurisdiction, then the Canonists are quite put downe, who hold that the very essence

*Lib. de auferibilitate
lit. 1. ap. consid. 8.*

Ibid. consid. 15.

of the Papacy standeth in Jurisdiction. Further concerning this question of Jurisdiction, the same *Iohn Gerson* hath made a Treatise, wherein he handleth this question, *An liceat in causis fidei à summo Pontifice appellare?* Wherein he determineth, that a man may appeale from the Pope.

§. VI.

Cardinall Cusanus.

Written, An.
Dom. 1442.

57. Somewhat after this wrote *Cardinall Cusanus*, who offered his Booke *De concordantia Catholica*, to the Councell of Basil: submitting himselfe and his labours to the iudgement of that Councell. It appeareth that about this time there were some motions and consultations of a reuolt from the Pope and Court of Rome: which consultations were moderated then for a time, by such learned men as were in greatest estimation: but afterward vpon the like reasons it brake forth. *Cusanus* disputeth this point in an Epistle written to *Roderic de Treuino*, Crator to the King of Castile. Wherein he seemeth first to dissuade the separation, producing that out of *Augustine*, *Nullam posse causam dari ob quam necessarium sit ad schisma peruenire*. That is, [That no cause can bee giuen for which it may bee necessary to come to a schisme.] But after much dispute, at last hee resolueth that the case may be such, that the Church may well depart from the Pope: *Quando sacer Princeps* (saith he) *contra sanctorum patrum statuta aliquid presumit, ubi non constat eum ex causa utilitatis aut necessitatis moueri, sed ex aliqua particulari indigna causa, tunc ipse in priora Petri mandata offendit, exiens vires potestatis suae. Quapropter non esset inconueniens, si pertinaciter in hoc persisteret, Ab eo recedi posse per Ecclesiam*. That is, [When the holy Prince presumeth against the lawes of holy Fathers, where it appeareth that he is not moued thereto because of the publike good, or necessitie, but from some particular of his owne and an vnworthy cause; then hath he first offended against the former precepts of *Peter* going beyond the limits and strength of his power. Therefore if hee persist therein incorrigibly, it is nothing inconuenient

ent for the Church to depart from him.

58. Then if a Pope make a departure first from the Mandates, Doctrines, and faith of Saint *Peter*, thus going out of the bounds of his power : in this case it is the iudgement of the graue Cardinals of Rome, who liued and wrote long before *M. Luther* was borne, that the Church might make a separation from the Pope. *John Gerson* saith as before we heard, that this separation may be for a time, or for euer. Now then whereas this separation is made from the Pope by the reformed Churches, there is nothing done but that which the Church had in consultation to doe long before, in case the Pope should persist in his pride and transgressions, and shew himselfe incorrigible. So that it is no maruaile if the Church which hath so long before thought of this departure, being thereunto so much prouoked by the intollerable ambition of the Pope, hath once performed that thing, which was so long in consultation : especially seeing the Church hath for the same, both the warrant of holy Scriptures, which doth fully not only prophesie of this departure, which the Pope hath made from the truth, and consequently which the Church was to make from the Pope : but also giueth expresse commaundement to the people of God to depart from thence; *Go out of her, my people*. And besides this warrant of holy Scriptures they had also the iudgement of the Church before them: which Church whether we consider it in particular members, as the learned men, principall instructours and preseruers of doctrine : or in generall Councils; hath as we see oftentimes declared herselfe to bee wearied with bearing the Popes proud and ambitious Jurisdiction ; and hath beene in great consultation to cast off the yoke of this Aegyptian bondage.

Apoc. 18. 4.

59. Now from that booke which this Cardinall *Cusanus* wrote *De concordantia Catholica*, we will obserue some things, wherein he declareth his iudgement against this Papall Jurisdiction. And first he disputeth against them that thinke the Pope hath more power then other Bishops. *Oportet primum, si hoc verum foret, Petrum aliquid à Christo singularitatis recepis-*

*Lib. 2. cap. 13. de
Cathol. Concord.*

et Papam in hoc successorem esse : sed scimus quod Petrus nihil plus

potestatis à Christo accepit, alijs Apostolis 21. d. in nouo 24. q. loquitur. That is, [First if this be true, it must bee graunted that Peter receiued some singular power from Christ, and that here- in the Pope is his successor: but wee know that Peter receiued no more power from Christ, then the other Apostles 21. d. in nouo 24. q. loquitur. And of this spirituall Iurisdiction, he saith thus: *Cum potestas ligandi & soluendi, in qua fundatur omnis Ecclesiastica Iurisdiction, sit immediate à Christo, quia ab illa potestate ligandi & soluendi, sit diuina Iurisdictionis potestas, patet omnes Episcopos & forè etiam presbyteros aequales esse quoad Iurisdictionem.* That is, [Seeing the power of binding and loosing, in which all Ecclesiasticall Iurisdiction is founded, is immediately from Christ: and because the power of diuine Iurisdiction is from this power of binding and loosing; it is euident that all Bishops (perhaps also all Priests) are equall in respect of this Iurisdiction.] And againe hee saith: *Quod vniuersale concilium propriè capitũ scilicet quod vniuersam Ecclesiã representat, sit supra Patriarchas & Roman. Pontificem, credo dubium esse non debere.* That is, [I hold it a truth not to bee doubted, that a generall Councell properly taken, that is as it representeth the vniuersall Church, is aboue Patriarches, and the Bishop of Rome.] And againe, *Papa per Synodum in criminibus etiam alijs quam heresi iudicari potest.* That is, [The Pope may be iudged by a Synod for other crimes also besides heresie.] Now for the Iurisdiction of the ciuill Magistrate, the same Author speaketh thus: *Imperator Christianorum in sua presidentia est Christi vicarius.* That is, [A Christian Emperour in his office, is Christs Vicar.] And againe: *Omnis rex & Imperator habet officium Publicum ad Publicam utilitatem ordinatum: Publica utilitas est pax ad quam ordinantur iusticia & iusta pralia: principum autem pacis est ad finem æternum dirigere subditos, & media illum perungendi sunt sacra instituta religionum: quare prima cura Imperialis in ijs obseruandis versatur.* That is, [Euery King and Emperour hath a publike office, ordinate to the publike good: the publike good is peace, whereunto iustice and iust warres are ordained: the fountaine of peace to direct subiects to an eternall end; the meanes to obtaine that end the holy ordinances of religion: where-

Ibid.

Ibid. cap. 17.

Ibid.

Ibid. lib. 3. cap. 5.

wherfore the first and chiefe care Imperiall consisteth in the obseruation of those ordinances.] And therefore he saith: *Imperator curam custodie gerit*: And againe, *istomodo imperator dicitur aduocatus vniuersalis Ecclesie, & custos fidei orthodoxa*: Which thing he proueth by the ancient practise of the Church, because in the Chalcedon Councell the Emperour *Martianus* is called, *custos fidei*: and the Emperour *Basilus* in the beginning of the eight Councell saith, that the gouernement of the Church was by the prouidence of God committed to his hands.

60. The same Author speaking further of the office of Kings, and of their Iurisdiction in Church affaires, and in Councils saith: *Debent reges & principes Synodos congregare iuxta admonitionem sancti Gregorij ad Theodoricum regem Francorum, ex registro, 273. Iterata vos per vestram mercedem adhortatione pulsamus ut congregari Synodum iubeatis*. That is, [Kings and Princes ought to gather Synodes according to the adimonition of Gregory writing to *Theodoricus* the French King; *ex registro* 273. We moue you with our redoubled petition, that euen for that reward that is referued for you, you will commaund that a Synode may bee gathered.] Another part of the office of a Prince, is saith he, *Confirmare & custodire in concilijs definita*, which thing hee proueth by diuerse auncient authorities: and concludeth that Emperours haue euer had this authoritie: Hee saith that in this thing hee had made diligent search, and had found this practise continued in all generall Councils vntill the eight Synode inclusiuely. In which search, saith hee, I finde by the acts of all generall Councils, aswell in Chalceon, as in Constantinople, Nice, Ephesus, that either the Emperour was present in person, or some iudges his Vicegerents: and those not aboue twentie, seldome fiftene: but when the Emperour himselfe was present in person, I finde saith he, that hee was alwayes Presedent of the Councell: no other secular Prince hath right to be present in the Councell, sauing the Emperour. Valeffe the Emperour appoint some to be present: but being present they haue no voice in the Councell, but may sit onely to heare: this he proueth by that testimony of *Ambrose*, in the cause of faith, Bishops are the iudges and not the Emperours.

Ibid.

Ibid cap. 13.

Reperio cum semper presedis. cap. 16.

Laici non habent vocem Synodalem sed tantum audire debent. lib. 3. cap. 17.

Lib. 3. cap. 24.

61. And whereas this auncient Iurisdiction of Princes was so disordered by the Pope, that by Papall intrusions and in-croachments, the Princes had well-nigh lost their right, and temporall Iurisdiction turned into spiritual Iurisdiction; of this he much complaineth, and openeth the true cause of all this disorder to be in the insatiable couetousnes of the Court of Rome: for thus he saith: *Rabidus appetitus ad ipsa terrena Ecclesys annexa Domina, Episcopis ambitiosis hodie inest &c. de temporalibus omnis cura, de spiritalibus nulla. Non fuit ista intentio Imperatorum, non volebant spiritalia à temporalibus absorberi &c. dum vacant Ecclesia semper in periculo schismatis existunt &c. Si per electionem providendum est, ambitio procurat diuisionem votorum. Si per curiam facilius persuadetur pro plus offerente: & omnia illa grauamina adueniunt pauperibus subditis: curia attrahit quicquid pingue est, & id quod Imperium contulit, & pro Deiculis, & bono publico ordinauit sanctissime, auaritia & cupiditate exorta pallescit rationibus & nouis adinuentiombus totaliter peruertitur: & Imperiale efficitur Papale, & spirituale temporale.* That is [Such a rauenous appetite is in ambitious Bishoppes at this day, toward the temporall Dominions annexed to Churches, &c. all their care is for the temporalities, not for spirituall matters: this was not the meaning of Princes, they meant not that the spirituall labours should be deuoured by temporalities, &c. Whilst the Churches are vacant, there is alwaies some danger of a schisme &c. If they proceed by election, ambition procureth a diuision of the voyces: If by the Court, he that bringeth most is best heard, and soonest preuaileth. And all these greeuances come vpon the poore subiects, whatsoeuer is fat and rich, the Court of Rome draweth to her selfe; and that which the Empire as well for the worship of God, as for the publicke good hath conferred vpon the Church, and ordeined to an holy end, all is vtterly peruerted through filthy couetousnesse, and certaine painted reasons, and new inuentions are deuised to colour it. And thus the Imperiall right is now made Papall, and temporall right is made spirituall.] Then these be the obseruations of the learned men of the Church of Rome long before vs, that the Pope had intruded vpon the Emperours right: now
waht

what ſoeuer the Pope had once practiſed, that muſt be called ſpirituall : Thus the Iuriſdiction of the Emperour being once by cunning or force wreſted from the Emperour, being found in the Popes hand, it was preſently called ſpirituall Iuriſdiction; as he doth moſt truly obſerue, *Imperiale efficitur Papale, & ſpirituale temporale.*

62. By all which we find the iudgement of this man to be directly againſt the Popes pretended Iuriſdiction, and for the right of temporall Magiſtrates: when we finde the Cardinals of the Church of Rome, to write thus before the time of the contention, and before *M. Luther* was borne: wee are not ſo much to conſider their priuate iudgements in theſe things, as the receiued iudgement of the Church wherein they liued, that is the Church of Rome: from the iudgement of that Church they departed not; but in theſe things do faithfully deliuer vnto vs the iudgement of the ſame Church, ſtanding againſt the iudgement of the Pope, and his Court, conſiſting of Friars and flatterers. Thus we ſee the cauſe of the Reformed Churches thoroughly iuſtified by this learned Cardinall, their ſeparation from the Pope and the Court of Rome warranted, becauſe the Pope hath firſt made the ſeparation from the profeſſion of Saint *Peter*, and from the faith of holy Scriptures, and the iudgement of auncient fathers: In which caſe he granteth that the Church may depart from the Pope, and thereby doth iuſtifie the ſeparation that is made.

§. VII.

Aeneas Silvius.

63. **A**T this time wrote *Aeneas Silvius*, afterward called Pope *Pius* the ſecond: he hath written a booke of the actes and proceedings of the Councell of Baſil: from which I will note ſome things, wherein the iudgement of this man may appeare, concurring with the iudgement of the Church of Rome in his time, but repugnant to the Pope and his flatterers. Firſt handling that Text, *Tu es Petrus, & ſuper hanc Petram, &c.* he ſaith thus: *A quibus verbis ided placuit exordiri, quod*

Lib. 1. de gestis
Basil. concil.

quod aliqui verba hac ad extollendam Rom Pontificis auctoritatem solent adducere, sed ut statim patebit, alius est v. rborum Christi sensus. That is, [With which words I thought good to begin, because some vse to alledge these words to extoll the authoritie of the Bishop of Rome: but as it shall soone appeare there is another sense of Christs words.] Who are they who in the iudgment of this man, do peruert the words of Christ? Let the Iesuites aunswere, and let them giue vs some reason, able to satisfie a man of reason, why that cause should not bee helde damnable, which is condemned by their owne writers: their Bishoppes, their Cardinals, their Popes? Let them not tell vs that this Pope *Pius* was of another mind afterward, when he was Pope: and before he was Pope he might erre; but after he was once Pope he could not erre: these bee plaine collusions of them who write such things, and illusions of such as beleue them. For it is not possible that any man should write, or speake or thinke such things from conscience: Shall I thinke that any learned man can thinke in conscience this to bee true, that the Pope cannot erre, when I heare the testimonie of the Church so full against it? When I heare such as come to be Popes, refute it before they come to that place? When I heare such as haue beene in the place, exclaime in the extremitie of desperation, that no man in the world liueth more miserably then the Pope, that to be a Pope, is to succeed *Romulus in Parricide*, not Peter in feeding; that no Pope can bee saued: when all this is proued by the Church of Rome, confessed by Popes themselves; after all this to say the Pope cannot erre, is nothing but collusion. No man can be drawn to such an opinion by conscience, but by such worldly respects as doe binde, and blinde, and lay waste the conscience of them that will not loue the truth.

64. *Aeneas Silvius* proceedeth, and out of *S. Hierome* expounding those words *portas inferi*, the gates of hell, he proueth that they are to be vnderstood of sinnes. And declareth that great sinnes and malignant spirits cannot preuaile against the Church. *Quod de Rom. Pontifice*, saith he, *qui homo est, nemo dixerit: nec illis praestemus aures quia illa verba Christi (orati pro te*

ibid.

Petre

Petre ne deficiat fides tua) nolunt ad Ecclesiam referri. That is, [Which thing no man can say of the B. of Rome, who is a man: neither are we to hearken to thē who will not haue those words of Christ vnderstood as spoken to the Church, when he saith, *Peter* I haue prayed for thee, that thy faith faile not.] Where he proueth out of S. *Augustine*, that those words are to be referred to the Church. And that they cannot be vnderstood of the Bishops of Rome, he is resoluēd & giueth such reasons as may resolute any other, that will not wilfully blindfold himselfe (as many do that the blind doctrine of Iesuits may work more powerfully in them) For saith he, *Romani Episcopi aut heretici, aut infecti viuis sunt reperti.* That is, [The Bishops of Rome haue bin found either Hereticks, or vicious men.] And concerning this Iurisdiction he saith: *Omnia potestatibus sublimioribus subdita sit: nec excipit animam Papæ.* That is, [The Apostle saith, let euery soule be subiect to the higher powers: hee excepteth not the soule of a Pope.] And again, *Maximè Rom. Pontificem subiectū Ecclesiæ verba Christi ostendunt, quum Petrū futurum Papam ad Ecclesiam remittat: dic Ecclesiæ.* And afterward, *Si hereticus est qui Romana Ecclesiæ primatum aufert &c. quanto magis hereticus erit, qui Ecclesiæ detrahatur qua Romana & omnes alie continentur.* In which words we find, that by the Church of Rome he vnderstandeth not the Catholicke Church dispersed ouer the world: but only a particular Church among many other, hauing only in his iudgment this priuiledge, that in respect of other Churches it had a Primacy: This he saith, not for the Pope, but for the Church of Rome: which Church he holdeth but a part of the Catholick Church. For if we vnderstand the Church of Rome, that particular Church, which of old hath bin gouerned by the Romane Bishops, this is but a particular Church: of this particular, the B. of Rome is the chiefe; & head in spirituall matters. But if by the Church of Rome, we vnderstand an assembly, or vnited consent of these westerne Churches, among which the Church of Rome hath bin honored as a Mother Church: in w^{ch} respect all these Churches, as they are vnited, are sometimes called the Romane Church. In which sense also I find that distinctiō obserued between the Church of Rome & the court of Rome. In this

ſenſe the particular Church of Rome is vnderſtood a part and member of this, and the Pope hath alwayes beene vnderſtood as ſubiect to this Church, and not about it.

Ibid.

65. Now that diſtinction which before wee haue obſerued betweene the Church of Rome on the one ſide, and the Pope with his flatterers on the other ſide: is noted alſo by the ſame Author. For of the Church he ſaith thus: *Opinio omnium mortuorum eſt, ſi opinio vocari debet, quæ idoneis confirmatur authoritatibus, quia Rom. Pontifex vniuerſali Eccleſia ſubiectus exiſtit.* That is, [It is the opinion of all that are dead before vs, if it may be called an opinion; which is confirmed by ſuch pregnant authorities, that the Pope is ſubiect to the vniuerſall Church.] In

Ibid.

which words, he declareth the iudgement of the Church which was before his time. But ſpeaking of the Pope with his flatterers, he ſaith: *Sunt aliqui ſine auidi gloria, ſine quod adulando præmia expectent, qui perigrinas quaſdam & omnino nouas prædicare doctrinas caperunt, ipſumq; ſummum Pontificem ex Iuriſdictione ſacri concilij demere non verentur: excacauit eos ambitio.* That is, [There be ſome who either becauſe they are greedy of glorie, or becauſe by flatterie they hope for rewards, begin to preach certaine ſtraunge and altogether new doctrines, they are not afraid to exempt the Pope out of the Iuriſdiction of an holy Councell: ambition hath blinded them.] This is the religion which the Ieſuites would make ſo auncient: heere is their high antiquitie. In the time of *Anæas Siluius* (who wrote in the yeere one thouſand foure hundred and fiftie) their religion is called an abſurd, a new and a ſtraunge doctrine: herein *Siluius* is a witneſſe without exception for ſo much of their religion, as concerneth the Papall Iuriſdiction: which is in ſumme all the religion of the Ieſuites. When thus it is marked, and marked by a Pope, their mouthes are ſtopped for euer. For he doth deliuer the ſenſe, iudgement, and religion of the Church in his time, faithfully and freely, againſt which teſtimonie no exception can be taken.

66. And that theſe men that haue brought in this newe, ſtraunge, monſtrous religion may be thoroughly knowen, and no doubt or ſcruple left behinde; hee deſcribeth them thus:

Alius

Ibid.

Alius dicit quod primam sedem nemo iudicabit, quod neq̃ ab Augusto, neq̃ ab omni clero, nec à regibus &c. iudicari valeat: Alius asserere non veretur Rom. Pontifice quamuis animas cateruatim secum ad inferos trahat, nullius reprehensioni fore subiectum. Nec considerant miseri, quia quæ predicant tantopere verba, aut ipsorum summorum Pontificum sunt suas fimbrias extendentium, aut eorum qui eis adulabantur. That is, [One saith that no man may iudge the first sea, that he may not be iudged, either of the Emperour, nor by all the Clergie, nor by Kings, &c. Another is not ashamed to affirme, that though the Pope should draw innumerable soules with himselfe to hell, yet no man ought to reprocue him. Neither doe these wretches consider, that these doctrines which thus they would aduance, are either the wordes of the Popes themselves, inlarging their fringes; or the words of their flatterers.] Then in his iudgement it is cleere, that the Church on the one side held the truth euen till his time, in this point of Iurisdiction: and on the other side, the Pope and his flatterers maintained, as he calleth them, new and straunge doctrines of Iurisdiction: It is well to be obserued that *Anæas Silvius* before he was Pope could so freely condemne this Papall Iurisdiction: And was hee trow you, a Lutheran? verily so was the Church in his time: for he doth deliuer not so much his owne priuate iudgement, as the iudgement of the Church in his time, and in the times before him. For he saith it was the iudgement of all that liued and died in the Church before him, *omnium mortuorum*: that the Pope is to be iudged by the Church, by a Councell; and that therefore the Councell is aboute the Pope. This, saith he, is the opinion of all that liued and died in the Church. And yet hee knew well that Friars and flatterers had before his time maintained the contrary: but these he regarded not, because the Church then regarded them not; they were but of base and vile accompt in respect of the Church: and so much the more vile, because against the iudgement of the ancient Church, against the rules of interpretation, against honestie and conscience they had drawen some textes of Scripture to maintaine this Papal Iurisdiction. These are they whom these learned men call, *miseros*, miserable and wretched soules,

who will not vnderstand that all this which they bring for the Popes Iurisdiction, is nothing but the vain words of the Popes themselues, or of their flatterers.

67. Now seeing the Pope with his flatterers hath much preuailed since this time, against the expectation of these learned men: must we not conclude that they haue herein made a departure from the Church: that they are but flatterers, who now follow the Pope: that they were neuer accompted otherwise by the grauer sort of the Church of Rome: that their opinions are new and strange. Then with what countenance can the successours of *Anaas Siluius* put vpon vs the imputation of heresie, who follow the ingenuous, free and sincere iudgement of the same *Siluius*; leauing these opinions which are confessed by him to be new, fond, strange, vnreasonable deuises of base flatterers, and maintaining the auncient truth, which by the testimonie of these men alwayes continued in the Church. This man with many moe, will be raised vp in the day of iudgement, against this present generation consisting onely (euen by the confession of their own Bishops, Cardinals, and Popes) of the Pope and his flatterers, forsaking the fellowship of the Church: here is the ground of their conscience. For let me speake onely of this part of their religion which now I handle, that is Iurisdiction: and what ground can any man finde here, whereupon he may rest his conscience? Let them not bring vs an idle and impertinent discourse of their three conversions, which in good time by the grace of God will be reuerfed, but let them come to the point, and let them shewe in this particular, what ground of conscience, any man may haue to rest on, for the Popes Iurisdiction: which was crossed, contradicted and inhibited by the auncient Fathers, confuted by the learned men of the Church of Rome, condemned by the Councell of the Church of Rome, maintained by none, but such as are thus notoriously branded with the ignominious titles of flatterers.

68. And because the Pope and his flatterers (for speaking of them, I must vse this name and stile which so many writers of the Church of Rome haue vsed before me, let them not blame me, or thinke that I vilifie them: I vse but the words of these
other

other writers whom I haue cited) These men I say, being driven in argument from all helpes, hauing no meanes to answere the learned that disputed against them; did vse to flie for helpe to these words of the Gospell. Thou art *Peter*, and to thee will I giue the keyes of the kingdome of heauen: and, I haue prayed for thee *Peter*, that thy faith faile not; and such like: the same Author declareth that they did altogether abuse and peruert these places of Scripture, against the sense of the wordes, and against the expositions of the auncient doctores. For thus hee saith: *Et quia huiusmodi dicta solutionem habent, recurrunt statim ad Euangelium: tu es Petrus, & tibi dabo clauis regni calorum: & rogavi pro te Petre ne deficiat fides tua, & duc in altum rete, &c. Quæ omnia hi homines miro modo sublimant, expositionibus sanctorum doctorum omnino posthabitis.* That is, [And because these words containing their reasons, are all answered, they flie presently to the Gospell: thou art *Peter*, and to thee will I giue the keyes of the kingdome of heauen: and, I haue prayed for thee *Peter* that thy faith faile not, and cast thy net into the deepe, &c. All which these men after a marueilous maner: raise vp to extoll the Pope, reiecting altogether, & casting behind the expositions of ancient doctores.] Then we haue one Pope full of our side, for he assureth vs, that this new & strange wresting of these textes to aduance the Popes Iurisdiction, standeth wholly against the expositions of the auncient Fathers. *Anaas Silvius* in the same booke, speaketh much in the honour of the French Cardinall of Arles, as an especiall admirer of his vertues. *Lodouiscus Cardinalis Arelatenfis*, saith he, *Vir omnium constantissimus & ad gubernationem generalium conciliorum natus.* That is, [A man of all other, most constant, and one that was borne for the gouernment of general Councils.] One testimonie I would produce of this Cardinall, and then wee haue three Cardinals for vs, *Cameracensis, Cusanus, Arelatenfis*. This Cardinall, in the mids of the Councell of Basil, professed that the doctrine of the Popes Iurisdiction ouer generall Councils, was a new doctrine, and strange at that time in the Church. *Cardinalis Arelatenfis*, saith he, ait *Eugenianos nuntios impleisse Galliam, qui no-*

Ibid.

Ibid.

nam doctrinam predicantes auctoritatem Romani Pontificis supra generalia concilia magnificerent.

69. After all this, when we finde that Cardinall *Bellarmino* and the rest of the Friars and flatterers, haue nothing to say for the Popes Jurisdiction, but that which is condemned by these learned men; as a newe and straunge doctrine in the Church; haue no other reasons to maintaine this their new doctrine, then the peruerting of these texts of Scriptures, which distorting of Scriptures is expressly censured by the said learned men, as standing against the naturall sense of the words, and against the expositions of the ancient Fathers, writing of those Scriptures: when we find not one or two, or a few; but the cry of the whole Church against them: who is able by any shew of learning to auoid our conclusion; that they who thus maintain this Papall Jurisdiction; are the followers of their forefathers, that is onely Friars and flatterers. And that we who denie this Papall Jurisdiction, giuing to the Church on the one side, and to Soueraigne Princes on the other side; their proper, distinct, auncient rights respectiuey belonging to each of them, are the followers and the children of our forefathers, that is the true, ancient, vnchaunged Catholicke Church.

FINIS.



